

ographic areas in the United States to assure a realistic and effective demonstration of the use of photovoltaic systems and of the applications themselves, in both rural and urban locations and under climatic conditions which vary as much as possible.

(2) The projected costs of commercial production and maintenance of the photovoltaic systems utilized in the testing and demonstration programs established under this subchapter should be taken into account.

(3) Encouragement should be given in the conduct of programs under this subchapter to those projects in which funds are appropriated by any State or political subdivision thereof for the purpose of sharing costs with the Federal Government for the purchase and installation of photovoltaic components and systems.

(Pub. L. 95-590, §13, Nov. 4, 1978, 92 Stat. 2521.)

§ 5593. Construction with National Energy Conservation Policy Act

Nothing in this subchapter shall be construed to negate, duplicate, or otherwise affect the provisions of part C subchapter III of chapter 91 of this title, and such part C shall be exempted fully from the provisions of this subchapter and any regulations, guidelines, or criteria pursuant thereto.

(Pub. L. 95-590, §14, Nov. 4, 1978, 92 Stat. 2521.)

REFERENCES IN TEXT

Part C (§8271 et seq.) of subchapter III of chapter 91 of this title, referred to in text, was in the original "title V (Federal Initiatives), part 4 (Federal Photovoltaic Utilization), National Energy Conservation Policy Act, H.R. 5037, 95th Congress, if and when that Act becomes enacted by the Ninety-fifth Congress". H.R. 5037 was enacted as Pub. L. 95-619, Nov. 9, 1978, 92 Stat. 3206, and is classified principally to chapter 91 (§8201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8201 of this title and Tables.

§ 5594. Authorization of appropriations

There is hereby authorized to be appropriated to the Secretary, for the fiscal year ending September 30, 1979, \$125,000,000, inclusive of any funds otherwise authorized for photovoltaic programs, (1) to carry out the functions vested in the Secretary by this subchapter, (2) to carry out the functions in fiscal year 1979, vested in the Secretary by part C of subchapter III of chapter 91 of this title, and (3) for transfer to such other agencies of the Federal Government as may be required to enable them to carry out their respective functions under this subchapter. Funds appropriated pursuant to this section shall remain available until expended: *Provided*, That any contract or agreement entered into pursuant to this subchapter shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts. Authorizations of appropriations for fiscal years after fiscal year 1979 shall be contained in the annual authorization for the Department of Energy, except for those funds authorized for fiscal years 1980 and 1981 contained in part C of subchapter III of chapter 91 of this title.

(Pub. L. 95-590, §15, Nov. 4, 1978, 92 Stat. 2522.)

REFERENCES IN TEXT

Part C (§8271 et seq.) of subchapter III of chapter 91 of this title, referred to in text, was in the original "part 4 of title V of H.R. 5037, 95th Congress, if enacted by the 95th Congress". H.R. 5037 was enacted as Pub. L. 95-619, Nov. 9, 1978, 92 Stat. 3206, and is classified principally to chapter 91 (§8201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8201 of this title and Tables.

CHAPTER 72—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 3797, 11804 of this title; title 20 sections 5964, 6434, 6453, 6455; title 25 sections 2433, 2453, 2454.

SUBCHAPTER I—GENERALLY

§ 5601. Congressional statement of findings

(a) The Congress hereby finds that—

(1) juveniles accounted for almost half the arrests for serious crimes in the United States in 1974 and for less than one-third of such arrests in 1983;

(2) recent trends show an upsurge in arrests of adolescents for murder, assault, and weapon use;

(3) the small number of youth who commit the most serious and violent offenses are becoming more violent;

(4) understaffed, overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities and inadequately trained staff in such courts, services, and facilities are not able to provide individualized justice or effective help;

(5) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of children, who, because of this failure to provide effective services, may become delinquents;

(6) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse alcohol and other drugs, particularly nonopiate or polydrug abusers;

(7) juvenile delinquency can be reduced through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

(8) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency;

(9) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency;

(10) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation;

(11) emphasis should be placed on preventing youth from entering the juvenile justice system to begin with; and

(12) the incidence of juvenile delinquency can be reduced through public recreation programs and activities designed to provide youth with social skills, enhance self esteem, and encourage the constructive use of discretionary time.

(b) Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

(Pub. L. 93-415, title I, § 101, Sept. 7, 1974, 88 Stat. 1109; Pub. L. 96-509, § 3, Dec. 8, 1980, 94 Stat. 2750; Pub. L. 98-473, title II, § 611, Oct. 12, 1984, 98 Stat. 2107; Pub. L. 102-586, § 1(a), Nov. 4, 1992, 106 Stat. 4982.)

AMENDMENTS

1992—Subsec. (a)(2), (3). Pub. L. 102-586, § 1(a)(2), added pars. (2) and (3). Former pars. (2) and (3) redesignated (4) and (5), respectively.

Subsec. (a)(4). Pub. L. 102-586, § 1(a)(1), (3), redesignated par. (2) as (4) and inserted "prosecutorial and public defender offices,". Former par. (4) redesignated (6).

Subsec. (a)(5) to (10). Pub. L. 102-586, § 1(a)(1), redesignated pars. (3) to (8) as (5) to (10), respectively.

Subsec. (a)(11), (12). Pub. L. 102-586, § 1(a)(4)-(6), added pars. (11) and (12).

1984—Subsec. (a)(1). Pub. L. 98-473, § 611(1), substituted "accounted" for "account" and "in 1974 and for less than one-third of such arrests in 1983" for "today".

Subsec. (a)(2). Pub. L. 98-473, § 611(2), inserted "and inadequately trained staff in such courts, services, and facilities".

Subsec. (a)(3). Pub. L. 98-473, § 611(3), struck out "the countless, abandoned, and dependent" before "children, who".

Subsec. (a)(5). Pub. L. 98-473, § 611(4), substituted "reduced" for "prevented".

1980—Subsec. (a)(4). Pub. L. 96-509, § 3(1), inserted reference to alcohol abuse.

Subsec. (a)(8). Pub. L. 96-509, § 3(2)-(4), added par. (8).

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-690, title VII, § 7296, Nov. 18, 1988, 102 Stat. 4463, as amended by Pub. L. 101-204, title X, § 1001(d), Dec. 7, 1989, 103 Stat. 1827, provided that:

"(a) EFFECTIVE DATE.—Except as provided in subsection (b), this subtitle [subtitle F (§§ 7250-7296) of title VII of Pub. L. 100-690, see Short Title of 1988 Amendment note below] and the amendments made by this Act [probably should be subtitle] shall take effect on October 1, 1988.

"(b) APPLICATION OF AMENDMENTS.—(1) The amendments made by section 7258(a) [amending section 5633 of this title] shall not apply to a State with respect to a fiscal year beginning before the date of the enactment of this Act [Nov. 18, 1988] if the State plan is approved before such date by the Administrator for such fiscal year.

"(2) The amendments made by section 7253(b)(1) [amending section 5614 of this title] and section 7278 [enacting section 5732 of this title] shall not apply with respect to fiscal year 1989.

"(3) Notwithstanding the 180-day period provided in—

"(A) section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) [42 U.S.C. 5617], as added by section 7255;

“(B) section 361 of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) [42 U.S.C. 5715], as redesignated by section 7273(e)(2) and amended by section 7274; and

“(C) section 404(a)(5) of the Missing Children’s Assistance Act (42 U.S.C. 5773(a)(5)), as amended by section 7285(a)(3);

the reports required by such sections to be submitted with respect to fiscal year 1988 shall be submitted not later than August 1, 1989.”

EFFECTIVE DATE OF 1984 AMENDMENT

Section 670 of division II (§§610–670) of chapter VI of title II of Pub. L. 98–473 provided that:

“(a) Except as provided in subsection (b), this division and the amendments made by this division [see Short Title of 1984 Amendment note below] shall take effect on the date of the enactment of this joint resolution [Oct. 12, 1984] or October 1, 1984, whichever occurs later.

“(b) Paragraph (2) of section 331(c) of the Runaway and Homeless Youth Act, as added by section 657(d) of this division [section 5751(c)(2) of this title], shall not apply with respect to any grant or payment made before the effective date of this joint resolution [Oct. 12, 1984].”

EFFECTIVE DATE OF 1977 AMENDMENT

Section 263(c) of Pub. L. 93–415, as added by Pub. L. 95–115, §6(d)(2), Oct. 3, 1977, 91 Stat. 1058, which provided that except as otherwise provided by the Juvenile Justice Amendments of 1977 (see Short Title of 1977 Amendments note below), the amendments made by the Juvenile Justice Amendments of 1977 were to take effect on Oct. 1, 1977, was repealed by Pub. L. 100–690, title VII, §7266(2), Nov. 18, 1988, 102 Stat. 4449.

EFFECTIVE DATE

Section 263(a), (b) of Pub. L. 93–415, as amended by Pub. L. 94–273, §32(a), Apr. 21, 1976, 90 Stat. 380; Pub. L. 95–115, §6(d)(1), Oct. 3, 1977, 91 Stat. 1058, which provided that (a) except as provided by subsections (b) and (c) (set out as an Effective Date of 1977 Amendment note above), the foregoing provisions of such Act (enacting subchapters I and II of this chapter and amending section 5108 of Title 5, Government Organization and Employees) were to take effect on Sept. 7, 1974, and that (b) section 5614(b)(5) and 5614(b)(6) of this title was to become effective at the close of the thirty-first day of the twelfth calendar month of 1974 and section 5614(l) of this title was to become effective at the close of the thirtieth day of the eleventh month of 1976, was repealed by Pub. L. 100–690, title VII, §7266(2), Nov. 18, 1988, 102 Stat. 4449.

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103–322, title XVII, §170301, Sept. 13, 1994, 108 Stat. 2043, provided that subtitle C (§§170301–170303) of title XVII of Pub. L. 103–322, which enacted section 5776a of this title, amended sections 5777 and 5778 of this title, and enacted provisions set out as a note under section 5776a of this title, could be cited as the “Morgan P. Hardiman Task Force on Missing and Exploited Children Act”, prior to repeal by Pub. L. 105–314, title VII, §703(g), Oct. 30, 1998, 112 Stat. 2989.

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–690, title VII, §7250(a), Nov. 18, 1988, 102 Stat. 4434, provided that: “This subtitle [subtitle F (§§7250–7296) of title VII of Pub. L. 100–690, enacting sections 5617, 5662, 5665, 5665a, 5667, 5673 to 5676, 5712a to 5712c, 5714–1, 5714–2, 5732, 5733, and 5778 of this title, amending sections 5603, 5611, 5614, 5616, 5631 to 5633, 5651 to 5654, 5659 to 5661, 5671, 5672, 5711 to 5714, 5714a, 5714b, 5715, 5716, 5731, 5751, 5773, 5775, 5776, and 5777 of this title and sections 5315 and 5316 of Title 5, Government Organization and Employees, repealing sections 5634 to 5639, 5656, 5657, and 5774 of this title, enacting provisions set out as notes under this section and section 5617 of this

title, and repealing provisions set out as a note under this section] may be cited as the ‘Juvenile Justice and Delinquency Prevention Amendments of 1988’.”

SHORT TITLE OF 1984 AMENDMENT

Section 610 of Pub. L. 98–473 provided that: “This Division [division II (§§610–670) of chapter VI of title II of Pub. L. 98–473, enacting sections 5714a, 5714b, and 5771 to 5777 of this title, amending this section and sections 5602, 5603, 5611, 5612, 5614, 5616, 5632 to 5635, 5637, 5638, 5651, 5653, 5654, 5657, 5659, 5661, 5671, 5672, 5702, 5711 to 5714, and 5751 of this title, repealing sections 5617, 5655, and 5741 of this title, and enacting provisions set out as notes under this section] may be cited as the ‘Juvenile Justice, Runaway Youth, and Missing Children’s Act Amendments of 1984’.”

SHORT TITLE OF 1980 AMENDMENT

Section 1 of Pub. L. 96–509 provided that: “This Act [enacting section 5617 of this title, amending this section and sections 5602, 5603, 5611, 5612, 5614 to 5616, 5632 to 5634, 5637, 5638, 5651, 5654 to 5656, 5659 to 5661, 5671, 5672, 5711 to 5713, 5715, and 5751 of this title, repealing former section 5617 and sections 5618 and 5619 of this title, and enacting provisions set out as notes under this section and section 5633 of this title] may be cited as the ‘Juvenile Justice Amendments of 1980’.”

SHORT TITLE OF 1977 AMENDMENT

Pub. L. 95–115, §1, Oct. 3, 1977, 91 Stat. 1048, provided that: “This Act [enacting section 5741 of this title, amending section 5316 of Title 5, Government Organization and Employees, sections 4351 and 5038 of Title 18, Crimes and Criminal Procedure, and sections 3723, 3767, 3811 to 3814, 3821, 3882, 3883, 3888, 3889, 5603, 5611, 5612, 5614 to 5618, 5631 to 5635, 5637 to 5639, 5651, 5653 to 5657, 5659 to 5661, 5671, 5672, 5711 to 5713, 5731, and 5751 of this title, repealing sections 3821, 5658, and 5732 of this title, enacting provisions set out as notes under this section and sections 5632, 5633, and 5638 of this title, and amending provisions set out as a note under this section] may be cited as the ‘Juvenile Justice Amendments of 1977’.”

SHORT TITLE

Section 1 of Pub. L. 93–415 provided: “That this Act [enacting this chapter, sections 3772 to 3774, and 3821 of this title, and sections 4351 to 4353, 5038 to 5042 of Title 18, Crimes and Criminal Procedure, amending sections 3701, 3723, 3733, 3768, 3811 to 3814, 3882, 3883 and 3888 of this title, section 5108 of Title 5, Government Organization and Employees, and sections 5031 to 5037 of Title 18, and repealing section 3889 of this title] may be cited as the ‘Juvenile Justice and Delinquency Prevention Act of 1974’.”

Section 301 of title III of Pub. L. 93–415, as amended by Pub. L. 96–509, §18(b), Dec. 8, 1980, 94 Stat. 2762, provided that: “This title [enacting subchapter III of this chapter] may be cited as the ‘Runaway and Homeless Youth Act’.”

Section 401 of title IV of Pub. L. 93–415, as added by Pub. L. 98–473, title II, §660, Oct. 12, 1984, 98 Stat. 2125, as amended by Pub. L. 101–204, title X, §1004(1), Dec. 7, 1990, 103 Stat. 1828, provided that: “This title [enacting subchapter IV of this chapter] may be cited as the ‘Missing Children’s Assistance Act’.”

Section 501 of title V of Pub. L. 93–415, as added by Pub. L. 102–586, §5(a), Nov. 4, 1992, 106 Stat. 5027, provided that: “This title [enacting subchapter V of this chapter] may be cited as the ‘Incentive Grants for Local Delinquency Prevention Programs Act’.”

§ 5602. Congressional declaration of purpose and policy

(a) It is the purpose of this chapter—

- (1) to provide for the thorough and ongoing evaluation of all federally assisted juvenile justice and delinquency prevention programs;
- (2) to provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs;

(3) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

(4) to establish a centralized research effort on the problems of juvenile delinquency, including the dissemination of the findings of such research and all data related to juvenile delinquency;

(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

(6) to assist States and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions;

(7) to establish a Federal assistance program to deal with the problems of runaway and homeless youth;

(8) to strengthen families in which juvenile delinquency has been a problem;

(9) to assist State and local governments in removing juveniles from jails and lockups for adults;

(10) to assist State and local governments in improving the administration of justice and services for juveniles who enter the system; and

(11) to assist States and local communities to prevent youth from entering the justice system to begin with.

(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency, including methods with a special focus on preserving and strengthening families so that juveniles may be retained in their homes; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention; (5) to encourage parental involvement in treatment and alternative disposition programs; and (6) to provide for coordination of services between State, local, and community-based agencies and to promote interagency cooperation in providing such services.

(Pub. L. 93-415, title I, §102, Sept. 7, 1974, 88 Stat. 1110; Pub. L. 96-509, §4, Dec. 8, 1980, 94 Stat. 2750; Pub. L. 98-473, title II, §612, Oct. 12, 1984, 98 Stat. 2108; Pub. L. 102-586, §1(b), Nov. 4, 1992, 106 Stat. 4982.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which enacted this chapter, sections 3772 to 3774 and 3821 of this title, and sections 4351 to 4353 and 5038 to 5042 of Title 18, Crimes and Criminal Procedure, amended sections 3701, 3723, 3733, 3768, 3811 to 3814, 3882, and 3883 to 3888 of this title, section 5108 of Title 5, Government Organization and Employees, and sections 5031 to 5037 of Title 18, and repealed section 3889 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables.

AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-586, §1(b)(1)(A), substituted “justice and delinquency prevention” for “delinquency”.

Subsec. (a)(2). Pub. L. 102-586, §1(b)(1)(B), substituted “nonprofit juvenile justice and delinquency prevention programs” for “agencies, institutions, and individuals in developing and implementing juvenile delinquency programs”.

Subsec. (a)(8), (9). Pub. L. 102-586, §1(b)(1)(C)-(E), added par. (8) and redesignated former par. (8) as (9).

Subsec. (a)(10), (11). Pub. L. 102-586, §1(b)(1)(F), (G), added pars. (10) and (11).

Subsec. (b)(1). Pub. L. 102-586, §1(b)(2)(A), substituted “preserving and strengthening families” for “maintaining and strengthening the family unit”.

Subsec. (b)(5), (6). Pub. L. 102-586, §1(b)(2)(B), (C), added cls. (5) and (6).

1984—Subsec. (a)(1). Pub. L. 98-473, §612(1), substituted “ongoing” for “prompt”.

Subsec. (a)(4). Pub. L. 98-473, §612(2), substituted “the dissemination of” for “an information clearinghouse to disseminate”.

Subsec. (a)(7). Pub. L. 98-473, §612(3), inserted “and homeless”.

1980—Subsec. (a)(8). Pub. L. 96-509, §4(a), added par. (8).

Subsec. (b)(1). Pub. L. 96-509, §4(b), inserted reference to methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

§ 5603. Definitions

For purposes of this chapter—

(1) the term “community based” facility, program, or service means a small, open group home or other suitable place located near the juvenile’s home or family and programs of community supervision and service which maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services;

(2) the term “Federal juvenile delinquency program” means any juvenile delinquency program which is conducted, directly, or indirectly, or is assisted by any Federal department or agency, including any program funded under this chapter;

(3) the term “juvenile delinquency program” means any program or activity related to juvenile delinquency prevention, control, diver-

sion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity to help prevent juvenile delinquency;

(4)(A) the term “Bureau of Justice Assistance” means the bureau established by section 3741 of this title;

(B) the term “Office of Justice Programs” means the office established by section 3711 of this title;

(C) the term “National Institute of Justice” means the institute established by section 3722(a) of this title; and

(D) the term “Bureau of Justice Statistics” means the bureau established by section 3732(a) of this title;

(5) the term “Administrator” means the agency head designated by section 5611(b) of this title;

(6) the term “law enforcement and criminal justice” means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction;

(7) the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

(8) the term “unit of local government” means—

(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

(B) any law enforcement district or judicial enforcement district that—

(i) is established under applicable State law; and

(ii) has the authority to, in a manner independent of other State entities, establish a budget and raise revenues;

(C) an Indian Tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

(i) the District of Columbia; or

(ii) any Trust Territory of the United States;

(9) the term “combination” as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a juvenile justice and delinquency prevention plan;

(10) the term “construction” means acquisition, expansion, remodeling, and alteration of

existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects’ fees but not the cost of acquisition of land for buildings);

(11) the term “public agency” means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(12) the term “secure detention facility” means any public or private residential facility which—

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;

(13) the term “secure correctional facility” means any public or private residential facility which—

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

(14) the term “serious crime” means criminal homicide, forcible rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony;

(15) the term “treatment” includes but is not limited to medical, educational, special education, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public, including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or non-addictive drugs or by controlling their dependence and susceptibility to addiction or use;

(16) the term “valid court order” means a court order given by a juvenile court judge to a juvenile—

(A) who was brought before the court and made subject to such order;

(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States;

(C) with respect to whom an appropriate public agency (other than a court or law enforcement agency), before the issuance of such order—

(i) reviewed the behavior of such juvenile and the circumstances under which such juvenile was brought before the court and made subject to such order;

(ii) determined the reasons for the behavior that caused such juvenile to be brought before the court and made subject to such order;

(iii) determined that all dispositions (including treatment), other than placement in a secure detention facility or a secure correctional facility, have been exhausted or are clearly inappropriate; and

(iv) submitted to the court a written report stating the results of the review conducted under clause (i) and the determinations made under clauses (ii) and (iii);

(17) the term "Council" means the Coordinating Council on Juvenile Justice and Delinquency Prevention established in section 5616(a)(1) of this title;

(18) the term "Indian tribe" means—

(A) a federally recognized Indian tribe; or

(B) an Alaskan Native organization;

(19) the term "comprehensive and coordinated system of services" means a system that—

(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency;

(20) the term "gender-specific services" means services designed to address needs unique to the gender of the individual to whom such services are provided;

(21) the term "home-based alternative services" means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention;

(22) the term "jail or lockup for adults" means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

(i) pending the filing of a charge of violating a criminal law;

(ii) awaiting trial on a criminal charge; or

(iii) convicted of violating a criminal law; and

(23) the term "nonprofit organization" means an organization described in section 501(c)(3) of title 26 that is exempt from taxation under section 501(a) of title 26.

(Pub. L. 93-415, title I, §103, Sept. 7, 1974, 88 Stat. 1111; Pub. L. 95-115, §2, Oct. 3, 1977, 91 Stat. 1048; Pub. L. 96-509, §§5, 19(a), Dec. 8, 1980, 94 Stat. 2751, 2762; Pub. L. 98-473, title II, §613, Oct. 12,

1984, 98 Stat. 2108; Pub. L. 100-690, title VII, §§7251(a), 7252(b)(1), Nov. 18, 1988, 102 Stat. 4435, 4436; Pub. L. 102-586, §1(c), Nov. 4, 1992, 106 Stat. 4983; Pub. L. 105-277, div. A, §101(b) [title I, §129(a)(1)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-75.)

AMENDMENTS

1998—Par. (8). Pub. L. 105-277, §101(b) [title I, §129(a)(1)(A)], added par. (8) and struck out former par. (8) which read as follows: "the term 'unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agency may be used to provide the non-Federal share of the cost of programs or projects funded under this subchapter;"

Par. (9). Pub. L. 105-277, §101(b) [title I, §129(a)(1)(B)], substituted "units of local government" for "units of general local government".

1992—Par. (16). Pub. L. 102-586, §1(c)(1), amended par. (16) generally. Prior to amendment, par. (16) read as follows: "the term 'valid court order' means a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word 'valid' permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States;"

Pars. (19) to (23). Pub. L. 102-586, §1(c)(2)-(4), added pars. (19) to (23).

1988—Par. (5). Pub. L. 100-690, §7252(b)(1), substituted "section 5611(b)" for "section 5611(c)".

Pars. (17), (18). Pub. L. 100-690, §7251(a), added pars. (17) and (18).

1984—Par. (3). Pub. L. 98-473, §613(1), struck out "for neglected, abandoned, or dependent youth and other youth" before "to help" and inserted "juvenile" after "prevent".

Par. (4)(A). Pub. L. 98-473, §613(2), substituted "'Bureau of Justice Assistance' means the bureau established by section 3741 of this title" for "'Office of Justice Assistance, Research, and Statistics' means the office established by section 3781(a) of this title".

Par. (4)(B). Pub. L. 98-473, §613(2), substituted "'Office of Justice Programs' means the office established by section 3711 of this title" for "'Law Enforcement Assistance Administration' means the administration established by section 3711 of this title".

Par. (6). Pub. L. 98-473, §613(3), substituted "services," for "services," before "activities of".

Par. (14). Pub. L. 98-473, §613(4)(A), inserted "or other sex offenses punishable as a felony".

Par. (16). Pub. L. 98-473, §613(4)(B)-(6), added par. (16). 1980—Par. (1). Pub. L. 96-509, §5(a), inserted reference to special education.

Par. (4). Pub. L. 96-509, §5(b), designated existing provisions as subpar. (B) and added subpars. (A), (C), and (D).

Par. (5). Pub. L. 96-509, §19(a), substituted "section 5611(c) of this title" for "section 3711(c) of this title".

Par. (7). Pub. L. 96-509, §5(c), substituted "the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands" for "and any territory or possession of the United States".

Par. (9). Pub. L. 96-509, §5(d), substituted "juvenile justice and delinquency prevention" for "law enforcement".

Par. (12). Pub. L. 96-509, §5(e), substituted definition of "secure detention facility" for definition of "correctional institution or facility".

Pars. (13), (14). Pub. L. 96-509, §5(f), added pars. (13) and (14). Former par. (13) redesignated (15).

Par. (15). Pub. L. 96-509, §5(f), (g), redesignated former par. (13) as (15), inserted reference to special education, and substituted “protect the public, including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and susceptibility to addiction or use” for “protect the public and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his susceptibility to addiction or use”.

1977—Par. (3). Pub. L. 95-115 substituted “to help prevent delinquency” for “who are in danger of becoming delinquent”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3791, 5633, 11851, 13791 of this title.

SUBCHAPTER II—PROGRAMS AND OFFICES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 5751, 13014, 13024 of this title.

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 5671 of this title.

§ 5611. Establishment

(a) Placement within Department of Justice under general authority of Attorney General

There is hereby established an Office of Juvenile Justice and Delinquency Prevention (hereinafter in this division¹ referred to as the “Office”) within the Department of Justice under the general authority of the Attorney General.

(b) Administrator; head, appointment, authorities, etc.

The Office shall be headed by an Administrator (hereinafter in this subchapter referred to as the “Administrator”) appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile justice programs. The Administrator is authorized to prescribe regulations consistent with this chapter to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and con-

tracts from, and applications for, funds made available under this subchapter. The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have.

(c) Deputy Administrator; appointment, functions, etc.

There shall be in the Office a Deputy Administrator who shall be appointed by the Attorney General. The Deputy Administrator shall perform such functions as the Administrator may from time to time assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.

(Pub. L. 93-415, title II, §201(a)-(f), Sept. 7, 1974, 88 Stat. 1112, 1113; Pub. L. 95-115, §3(a)(1)-(3)(A), (4), (5), Oct. 3, 1977, 91 Stat. 1048, 1049; Pub. L. 96-509, §§6, 19(b), Dec. 8, 1980, 94 Stat. 2752, 2762; Pub. L. 98-473, title II, §620, Oct. 12, 1984, 98 Stat. 2108; Pub. L. 100-690, title VII, §7252(a), Nov. 18, 1988, 102 Stat. 4436; Pub. L. 102-586, §2(a), Nov. 4, 1992, 106 Stat. 4984.)

REFERENCES IN TEXT

This division, referred to in subsec. (a), probably means division II (§§610-670) of chapter VI of title II of Pub. L. 98-473, Oct. 12, 1984, 98 Stat. 2107, which made numerous amendments to this chapter. For complete classification of this division to the Code, see Short Title of 1984 Amendment note set out under section 5601 of this title and Tables.

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which enacted this chapter, sections 3772 to 3774 and 3821 of this title, and sections 4351 to 4353 and 5038 to 5042 of Title 18, Crimes and Criminal Procedure, amended sections 3701, 3723, 3733, 3768, 3811 to 3814, 3882, and 3883 to 3888 of this title, section 5108 of Title 5, Government Organization and Employees, and sections 5031 to 5037 of Title 18, and repealed section 3889 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables.

AMENDMENTS

1992—Subsec. (b). Pub. L. 102-586 amended third sentence generally, substituting “The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have” for “The Administrator shall report to the Attorney General through the Assistant Attorney General who heads the Office of Justice Programs under part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968”.

1988—Subsec. (c). Pub. L. 100-690 struck out “and whose function shall be to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention established by section 5651 of this title” after “Attorney General” in first sentence and “also” after “The Deputy Administrator shall” in second sentence.

1984—Subsec. (a). Pub. L. 98-473, in amending subsec. (a) generally, substituted provisions relating to establishment of the Office of Juvenile Justice and Delinquency Prevention for former provisions which also provided for the establishment of the Office and its administration by an Administrator.

Subsec. (b). Pub. L. 98-473, in amending subsec. (b) generally, substituted provisions relating to functions and duties of the Administrator for former provisions which related to administration of the program.

Subsec. (c). Pub. L. 98-473, in amending subsec. (c) generally, substituted provisions relating to Deputy Administrator for former provisions which related to nomination of the Administrator by the President.

¹ See References in Text note below.

Subsec. (d). Pub. L. 98-473, in amending section generally, struck out subsec. (d) which related to powers of the Administrator. See subsec. (b) of this section.

Subsec. (e). Pub. L. 98-473, in amending section generally, struck out subsec. (e) which related to Deputy Administrator. See subsec. (c) of this section.

Subsec. (f). Pub. L. 98-473, in amending section generally, struck out subsec. (f) which related to supervision of the National Institute for Juvenile Justice and Delinquency Prevention.

1980—Subsec. (a). Pub. L. 96-509, §6(a), substituted “under the general authority of the Attorney General” for “Law Enforcement Assistance Administration”.

Subsec. (c). Pub. L. 96-509, §19(b)(1), substituted “Administrator” for “Associate Administrator” as the name of the official heading the Office of Juvenile Justice and Delinquency Prevention and struck out provisions that had governed the meaning to be placed upon the use of the title “Associate Administrator”.

Subsec. (d). Pub. L. 96-509, §§6(b), 19(b)(2), substituted “Administrator” for “Associate Administrator” wherever appearing, struck out provisions that had required the former Associate Administrator to report directly to the Administrator, and provided that the Administrator exercise all necessary powers under the general authority of the Attorney General rather than the Administrator of the Law Enforcement Assistance Administration, clarified that the Administrator of the Office of Juvenile Justice and Delinquency Prevention is authorized to prescribe regulations for all grants and contracts available under part B and part C of this subchapter, and provided that the Administrator of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice may delegate authority to the Administrator for all juvenile justice and delinquency prevention grants and contracts for funds made available under the Omnibus Crime Control and Safe Streets Act of 1968.

Subsec. (e). Pub. L. 96-509, §§6(c), 19(b)(3), substituted “Deputy Administrator” for “Deputy Associate Administrator”, “Administrator” for “Associate Administrator”, “Attorney General” for “Administrator of the Law Enforcement Assistance Administration”, and “office” for “Office”.

Subsec. (f). Pub. L. 96-509, §§6(d), 19(b)(4), substituted “Deputy Administrator” for “Deputy Associate Administrator” and “Attorney General” for “Administrator”.

1977—Subsec. (a). Pub. L. 95-115, §3(a)(1), inserted provisions relating to administration of provisions of this chapter.

Subsec. (c). Pub. L. 95-115, §3(a)(2), (3)(A), inserted provisions relating to statutory references to the Associate Administrator and substituted “an Associate” for “an Assistant”.

Subsec. (d). Pub. L. 95-115, §3(a)(3)(A), (4), inserted provisions relating to powers of the Associate Administrator over grants and contracts and provisions relating to reporting requirement and substituted “The Associate Administrator shall exercise” for “The Assistant Administrator shall exercise”.

Subsec. (e). Pub. L. 95-115, §3(a)(3)(A), (5), substituted references to Deputy Associate Administrator and Associate Administrator for references to Deputy Assistant Administrator and Assistant Administrator, respectively, wherever appearing.

Subsec. (f). Pub. L. 95-115, §3(a)(5), substituted “Associate” for “Assistant”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5603, 5651, 13001a of this title; title 39 section 3220.

§ 5612. Personnel

(a) Selection; employment; compensation

The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in the Administrator and to prescribe their functions.

(b) Special personnel

The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter payable under section 5376 of title 5.

(c) Personnel from other agencies

Upon the request of the Administrator, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Administrator to assist the Administrator in carrying out the functions of the Administrator under this subchapter.

(d) Experts and consultants

The Administrator may obtain services as authorized by section 3109 of title 5, at rates not to exceed the rate now or hereafter payable under section 5376 of title 5.

(Pub. L. 93-415, title II, §202, Sept. 7, 1974, 88 Stat. 1113; Pub. L. 95-115, §3(a)(3)(A), Oct. 3, 1977, 91 Stat. 1048; Pub. L. 96-509, §19(c), Dec. 8, 1980, 94 Stat. 2763; Pub. L. 98-473, title II, §621, Oct. 12, 1984, 98 Stat. 2109; Pub. L. 102-586, §2(b), Nov. 4, 1992, 106 Stat. 4984.)

AMENDMENTS

1992—Subsec. (b). Pub. L. 102-586, §2(b)(1), which directed the substitution of “payable under section 5376” for “prescribes for GS-18 of the General Schedule by section 5332”, was executed by making the substitution for “prescribed for GS-18 of the General Schedule by section 5332” to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 102-586, §2(b)(2), substituted “subchapter” for “chapter”.

Subsec. (d). Pub. L. 102-586, §2(b)(3), substituted “payable under section 5376” for “prescribed for GS-18 of the General Schedule by section 5332”.

1984—Subsec. (a). Pub. L. 98-473, §621(a), substituted “the Administrator” for “him” before “and to prescribe”.

Subsec. (c). Pub. L. 98-473, §621(b), substituted “the Administrator” for “him” before “in carrying out” and “the functions of the Administrator” for “his functions”.

1980—Subsec. (c). Pub. L. 96-509, §19(c)(1), substituted “Administrator” for “Associate Administrator”.

Subsec. (d). Pub. L. 96-509, §19(c)(2), substituted “title 5” for “title I” after “section 5332 of”.

1977—Subsec. (c). Pub. L. 95-115 substituted “Associate” for “Assistant”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

§ 5613. Voluntary and uncompensated services

The Administrator is authorized to accept and employ, in carrying out the provisions of this chapter, voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31.

(Pub. L. 93-415, title II, § 203, Sept. 7, 1974, 88 Stat. 1113.)

CODIFICATION

“Section 1342 of title 31” substituted in text for “section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

§ 5614. Concentration of Federal efforts**(a) Implementation of policy by Administrator; consultation with Council and Advisory Committee**

(1) The Administrator shall develop objectives, priorities, and a long-term plan, and implement overall policy and a strategy to carry out such plan, for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out the functions of the Administrator, the Administrator shall consult with the Council.

(2)(A) The plan described in paragraph (1) shall—

(i) contain specific goals and criteria for making grants and contracts, for conducting research, and for carrying out other activities under this subchapter; and

(ii) provide for coordinating the administration programs and activities under this subchapter with the administration of all other Federal juvenile delinquency programs and activities, including proposals for joint funding to be coordinated by the Administrator.

(B) The Administrator shall review the plan described in paragraph (1) annually, revise the plan as the Administrator considers appropriate, and publish the plan in the Federal Register—

(i) not later than 240 days after November 4, 1992, in the case of the initial plan required by paragraph (1); and

(ii) except as provided in clause (i), in the 30-day period ending on October 1 of each year.

(b) Duties of Administrator

In carrying out the purposes of this chapter, the Administrator shall—

(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives the Administrator establishes;

(3) conduct and support evaluations and studies of the performance and results

achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(4) implement Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which the Administrator determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

(5)(A) develop for each fiscal year, and publish annually in the Federal Register for public comment, a proposed comprehensive plan describing the particular activities which the Administrator intends to carry out under parts C and D of this subchapter in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts C and D of this subchapter; and

(B) taking into consideration comments received during the 45-day period beginning on the date the proposed plan is published, develop and publish a final plan, before December 31 of such fiscal year, describing the particular activities which the Administrator intends to carry out under parts C and D of this subchapter in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts C and D of this subchapter;

(6) provide for the auditing of monitoring systems required under section 5633(a)(15) of this title to review the adequacy of such systems; and

(7) not later than 1 year after November 4, 1992, issue model standards for providing health care to incarcerated juveniles.

(c) Information, reports, studies, and surveys from other agencies

The Administrator may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide the Administrator with such information and reports, and to conduct such studies and surveys, as the Administrator may deem to be necessary to carry out the purposes of this part.

(d) Delegation of functions

The Administrator may delegate any of the functions of the Administrator under this subchapter, to any officer or employee of the Office.

(e) Utilization of services and facilities of other agencies; reimbursement

The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

(f), (g) Repealed. Pub. L. 102-586, § 2(c)(4), Nov. 4, 1992, 106 Stat. 4985

(h) Coordination of functions of Administrator and Secretary of Health and Human Services

All functions of the Administrator under this subchapter shall be coordinated as appropriate

with the functions of the Secretary of Health and Human Services under subchapter III of this chapter.

(i) Annual juvenile delinquency development statements of other agencies; procedure; contents; review by Administrator

(1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under subsection (c) of this section.

(2) Each juvenile delinquency development statement submitted to the Administrator under paragraph (1) shall contain such information, data, and analyses as the Administrator may require. Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to the Administrator under paragraph (1). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.

(Pub. L. 93-415, title II, §204, Sept. 7, 1974, 88 Stat. 1113; Pub. L. 94-273, §§8(3), 12(3), Apr. 21, 1976, 90 Stat. 378; Pub. L. 95-115, §3(a)(3)(A), (b), Oct. 3, 1977, 91 Stat. 1048, 1049; Pub. L. 96-509, §§7, 19(d), Dec. 8, 1980, 94 Stat. 2752, 2763; Pub. L. 98-473, title II, §622, Oct. 12, 1984, 98 Stat. 2109; Pub. L. 100-690, title VII, §7253, Nov. 18, 1988, 102 Stat. 4436; Pub. L. 102-586, §2(c), Nov. 4, 1992, 106 Stat. 4984.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-586, §2(c)(1), designated existing provisions as par. (1), substituted “develop objectives, priorities, and a long-term plan, and implement overall policy and a strategy to carry out such plan,” for “implement overall policy and develop objectives and priorities”, and added par. (2).

Subsec. (b)(7). Pub. L. 102-586, §2(c)(2), (3), added par. (7).

Subsec. (f). Pub. L. 102-586, §2(c)(4), struck out subsec. (f) which read as follows: “The Administrator is authorized to transfer funds appropriated under this section to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the Administrator finds to be exceptionally effective or for which the Administrator finds there exists exceptional need.”

Subsec. (g). Pub. L. 102-586, §2(c)(4), struck out subsec. (g) which read as follows: “The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, organization, institution, or individual to carry out the purposes of this subchapter.”

1988—Subsec. (a). Pub. L. 100-690, §7253(a), struck out “and the National Advisory Committee for Juvenile Justice and Delinquency Prevention” before period at end.

Subsec. (b)(5). Pub. L. 100-690, §7253(b)(1), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “develop annually with the assistance of the Advisory Committee and the Coordinating Council and submit to the President and the Congress, after the first year following October 3, 1977, prior to December 31, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs and a brief but precise comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system, which analysis and evaluation shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs;”.

Subsec. (b)(6), (7). Pub. L. 100-690, §7253(b)(2), (3), redesignated par. (7) as (6) and struck out former par. (6) which read as follows: “provide technical assistance and training assistance to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs; and”.

Subsec. (c). Pub. L. 100-690, §7253(c)(1), (3), redesignated subsec. (f) as (c) and struck out former subsec. (c) which read as follows: “The President shall, no later than ninety days after receiving each annual report under subsection (b)(5) of this section, submit a report to the Congress and to the Council containing a detailed statement of any action taken or anticipated with respect to recommendations made by each annual report.”

Subsec. (d). Pub. L. 100-690, §7253(c)(1), (3), redesignated subsec. (g) as (d) and struck out former subsec. (d) which read as follows:

“(1) The first annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) of this section shall contain, in addition to information required by subsection (b)(5) of this section, a detailed statement of criteria developed by the Administrator for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

“(2) The second such annual report shall contain, in addition to information required by subsection (b)(5) of this section, an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each such program during the most recent complete fiscal year. Such identification shall be made by the Administrator through the use of criteria developed under paragraph (1).”

Subsec. (e). Pub. L. 100-690, §7253(c)(1), (3), redesignated subsec. (h) as (e) and struck out former subsec. (e) which read as follows: “The third such annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) of this section shall contain, in addition to the comprehensive plan required by subsection (b)(5) of this section, a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Administrator by Federal agencies under subsection (l) of this section. Such statement submitted by the Administrator shall include a description of information, data, and analyses which shall be contained in each such development statement.”

Subsecs. (f) to (h). Pub. L. 100-690, §7253(c)(3), redesignated subsecs. (i) to (k) as (f) to (h), respectively. Former subsecs. (f) to (h) redesignated (c) to (e), respectively.

Subsec. (i). Pub. L. 100-690, §7253(c)(2), (3), redesignated subsec. (l) as (i), struck out “which meets any

criterion developed by the Administrator under subsection (d)(1) of this section” after “juvenile delinquency program” and substituted “subsection (c)” for “subsection (f)” in par. (1), and struck out “shall be submitted in accordance with procedure established by the Administrator under subsection (e) of this section and” after “under paragraph (1)” and “under subsection (e) of this section” after “Administrator may require” in par. (2). Former subsec. (i) redesignated (f). Subsecs. (j) to (l). Pub. L. 100-690, § 7253(c)(3), redesignated subsecs. (j) to (l) as (g) to (i), respectively.

Subsec. (m). Pub. L. 100-690, § 7253(c)(4), struck out subsec. (m) which read as follows: “To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this subchapter.”

1984—Subsec. (a). Pub. L. 98-473, § 622(a), substituted “the functions of the Administrator” for “his functions”.

Subsec. (b)(2), (4). Pub. L. 98-473, § 622(b)(1), (2), substituted “the Administrator” for “he”.

Subsec. (b)(7). Pub. L. 98-473, § 622(b)(3)–(5), added par. (7).

Subsec. (e). Pub. L. 98-473, § 622(c), substituted “subsection (l)” for “subsection (l)”.

Subsec. (f). Pub. L. 98-473, § 622(d), substituted “the Administrator” for “him” before “with such information” and for “he” before “may deem to be”.

Subsec. (g). Pub. L. 98-473, § 622(e), substituted “the functions of the Administrator” for “his functions”.

Subsec. (i). Pub. L. 98-473, § 622(f), substituted “section” for “subchapter” and “the Administrator” for “he” before “finds there exists”.

Subsec. (l)(1). Pub. L. 98-473, § 622(g)(1), substituted “subsection (d)(1) of this section” for “section 5614(d)(1) of this title” and “subsection (f) of this section” for “section 5614(f) of this title”.

Subsec. (l)(2). Pub. L. 98-473, § 622(g)(2), substituted “paragraph (1)” for “subsection (l)” and “subsection (e) of this section” for “section 5614(e) of this title” in two places.

Subsec. (l)(3). Pub. L. 98-473, § 622(g)(3), substituted “the Administrator” for “him” after “transmitted to” and “paragraph (1)” for “subsection (l)”.

1980—Subsec. (b). Pub. L. 96-509, § 7(a), struck out reference to the Associate Administrator in provisions preceding par. (1) and in par. (6) inserted reference to training assistance.

Subsec. (d)(1). Pub. L. 96-509, § 19(d)(1), substituted “Administrator for identifying” for “Associate Administrator for identifying”.

Subsec. (g). Pub. L. 96-509, § 19(d)(2), substituted “Office” for “Administration”.

Subsec. (i). Pub. L. 96-509, § 19(d)(3), substituted “Administrator finds” for “Associate Administrator finds”.

Subsec. (k). Pub. L. 96-509, § 19(d)(4), substituted “Health and Human Services” for “the Department of Health, Education, and Welfare”.

Subsec. (l)(1). Pub. L. 96-509, § 19(d)(5), substituted “developed by the Administrator” for “developed by the Associate Administrator”.

Subsec. (m). Pub. L. 96-509, § 7(b), added subsec. (m).

1977—Subsec. (b). Pub. L. 95-115, § 3(b)(1), in introductory text inserted requirement for assistance of the Associate Administrator, added par. (5), and redesignated par. (7) as (6). Former par. (5), relating to an analysis and evaluation of Federal juvenile delinquency programs, and former par. (6), relating to a comprehensive plan for Federal juvenile delinquency programs, were struck out.

Subsec. (d)(1). Pub. L. 95-115, § 3(b)(2), inserted “Associate” before “Administrator for”.

Subsec. (e). Pub. L. 95-115, § 3(b)(3), substituted “(5)” for “(6)” in two places.

Subsec. (f). Pub. L. 95-115, § 3(b)(4), inserted “Federal” after “appropriate authority”.

Subsec. (g). Pub. L. 95-115, § 3(b)(5), substituted “subchapter” for “part, except the making of regulations”.

Subsec. (i). Pub. L. 95-115, § 3(a)(3)(A), substituted “Associate” for “Assistant”.

Subsec. (j). Pub. L. 95-115, § 3(b)(6), inserted “organization,” after “agency,” and substituted “subchapter” for “part”.

Subsec. (k). Pub. L. 95-115, § 3(b)(7), substituted “subchapter” for “part” and “subchapter III of this chapter” for “the Juvenile Delinquency Prevention Act”.

Subsec. (l)(1). Pub. L. 95-115, § 3(b)(8), inserted “Associate” before “Administrator under”.

1976—Subsec. (b)(5). Pub. L. 94-273, § 8(3), substituted “December 31” for “September 30”.

Subsec. (b)(6). Pub. L. 94-273, § 12(3), substituted “June” for “March”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, but amendment by section 7253(b)(1) of Pub. L. 100-690 not applicable with respect to fiscal year 1989, see section 7296(a), (b)(2) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

EFFECTIVE DATE

Section effective Sept. 7, 1974, except that subsec. (b)(5), (6) effective at close of thirty-first day of twelfth calendar month of 1974, and subsec. (l) effective at close of thirtieth day of eleventh calendar month of 1976, see section 263(a), (b) of Pub. L. 93-415, set out as a note under section 5601 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment unless in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the end of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5616, 5654 of this title.

§ 5615. Joint funding; non-Federal share requirements

Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced whenever the Administrator finds the program or activity to be exceptionally effective or for which the Administrator finds exceptional need. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar re-

quirement of the administering agency or which the administering agency does not impose.

(Pub. L. 93-415, title II, §205, Sept. 7, 1974, 88 Stat. 1116; Pub. L. 95-115, §3(c), Oct. 3, 1977, 91 Stat. 1049; Pub. L. 96-509, §19(e), Dec. 8, 1980, 94 Stat. 2763.)

AMENDMENTS

1980—Pub. L. 96-509 struck out “Associate” before “Administrator finds” in two places.

1977—Pub. L. 95-115 inserted provisions relating to functions of the Associate Administrator with respect to joint funding.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

§ 5616. Coordinating Council on Juvenile Justice and Delinquency Prevention

(a) Establishment; membership

(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention composed of the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, the Commissioner of Immigration and Naturalization, such other officers of Federal agencies who hold significant decisionmaking authority as the President may designate, and individuals appointed under paragraph (2).

(2)(A) Nine members shall be appointed, without regard to political affiliation, to the Council in accordance with this paragraph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the United States.

(B)(i) Three members shall be appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives.

(ii) Three members shall be appointed by the majority leader of the Senate, after consultation with the minority leader of the Senate.

(iii) Three members shall be appointed by the President.

(C)(i) Of the members appointed under each of clauses (i), (ii), and (iii)—

(I) 1 shall be appointed for a term of 1 year;

(II) 1 shall be appointed for a term of 2 years;

and

(III) 1 shall be appointed for a term of 3 years;

as designated at the time of appointment.

(ii) Except as provided in clause (iii), a vacancy arising during the term for which an appointment is made may be filled only for the remainder of such term.

(iii) After the expiration of the term for which a member is appointed, such member may continue to serve until a successor is appointed.

(b) Chairman and Vice Chairman

The Attorney General shall serve as Chairman of the Council. The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

(c) Functions

(1) The function of the Council shall be to coordinate all Federal juvenile delinquency programs (in cooperation with State and local juvenile justice programs) all Federal programs and activities that detain or care for unaccompanied juveniles, and all Federal programs relating to missing and exploited children. The Council shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and shall make recommendations to the President, and to the Congress, at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities and all Federal programs and activities that detain or care for unaccompanied juveniles. The Council shall review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of paragraphs (12)(A), (13), and (14) of section 5633(a) of this title. The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council. The Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody.

(2) In addition to performing their functions as members of the Council, the members appointed under subsection (a)(2) of this section shall collectively—

(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the implementation of overall policy and the strategy to carry out such plan, referred to in section 5614(a)(1) of this title; and

(B) not later than 180 days after November 4, 1992, submit such recommendations to the Administrator, the Chairman of the Committee on Education and Labor of the House of Representatives, and the Chairman of the Committee on the Judiciary of the Senate.

(d) Meetings

The Council shall meet at least quarterly.

(e) Appointment of personnel or staff support by Administrator

The Administrator shall, with the approval of the Council, appoint such personnel or staff support as the Administrator considers necessary to carry out the purposes of this subchapter.

(f) Expenses of Council members; reimbursement

Members appointed under subsection (a)(2) of this section shall serve without compensation.

Members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) Authorization of appropriations

Of sums available to carry out this part, not more than \$200,000 shall be available to carry out this section.

(Pub. L. 93-415, title II, §206, Sept. 7, 1974, 88 Stat. 1116; Pub. L. 94-237, §4(c)(5)(D), Mar. 19, 1976, 90 Stat. 244; Pub. L. 95-115, §3(a)(3)(A), (5), (d), Oct. 3, 1977, 91 Stat. 1048-1050; Pub. L. 96-509, §§8, 19(f), Dec. 8, 1980, 94 Stat. 2753, 2763; Pub. L. 98-473, title II, §623, Oct. 12, 1984, 98 Stat. 2110; Pub. L. 100-690, title VII, §§7251(b), 7252(b)(2), 7254, Nov. 18, 1988, 102 Stat. 4435-4437; Pub. L. 102-586, §2(d), Nov. 4, 1992, 106 Stat. 4985; Pub. L. 103-82, title IV, §405(k), Sept. 21, 1993, 107 Stat. 922.)

AMENDMENTS

1993—Subsec. (a)(1). Pub. L. 103-82 substituted “the Chief Executive Officer of the Corporation for National and Community Service” for “the Director of the ACTION Agency”.

1992—Subsec. (a)(1). Pub. L. 102-586, §2(d)(1)(A), substituted “the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Director of the ACTION Agency, the Commissioner of Immigration and Naturalization, such other officers of Federal agencies who hold significant decisionmaking authority as the President may designate, and individuals appointed under paragraph (2)” for “the Director of the Office of Community Services, the Director of the Office of Drug Abuse Policy, the Director of the ACTION Agency, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director of the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau, or their respective designees, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the Bureau of Justice Assistance, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the National Institute of Justice, and representatives of such other agencies as the President shall designate”.

Subsec. (a)(2). Pub. L. 102-586, §2(d)(1)(B), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “Any individual designated under this section shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved.”

Subsec. (c). Pub. L. 102-586, §2(d)(2), designated existing provisions as par. (1), inserted “(in cooperation with State and local juvenile justice programs) all Federal programs and activities that detain or care for unaccompanied juveniles,” “shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and” and “and all Federal programs and activities that detain or care for unaccompanied juveniles”, and added par. (2).

Subsec. (f). Pub. L. 102-586, §2(d)(3), inserted “Members appointed under subsection (a)(2) of this section shall serve without compensation.” before “Members of the Council” and struck out “who are employed by the Federal Government full time” before “shall be”.

1988—Subsec. (a)(1). Pub. L. 100-690, §§7251(b), 7252(b)(2), struck out “(hereinafter referred to as the ‘Council’)” after “Coordinating Council on Juvenile Justice and Delinquency Prevention” and “the Deputy Administrator of the Institute for Juvenile Justice and Delinquency Prevention,” after “Administrator of the

Office of Juvenile Justice and Delinquency Prevention.”.

Subsec. (c). Pub. L. 100-690, §7254(a)(1)-(3), struck out “, in consultation with the Advisory Board on Missing Children,” after “programs and” in first sentence, substituted “shall” for “is authorized to” and “paragraphs (12)(A), (13), and (14) of section 5633(a) of this title” for “section 5633(a)(12)(A) and (13) of this title” in third sentence, and inserted at end “The Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody.”

Subsec. (d). Pub. L. 100-690, §7254(b), struck out provision that annual report required by section 5614(b)(5) of this title include a description of the activities of the Council.

Subsec. (g). Pub. L. 100-690, §7254(c), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: “To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary, not to exceed \$200,000 for each fiscal year.”

1984—Subsec. (a)(1). Pub. L. 98-473, §623(a), substituted “Office of Community Services” for “Community Services Administration”, “Assistant Attorney General who heads the Office of Justice Programs” for “Director of the Office of Justice Assistance, Research, and Statistics”, and “Director of the Bureau of Justice Assistance” for “Administrator of the Law Enforcement Assistance Administration”.

Subsec. (c). Pub. L. 98-473, §623(b), substituted “delinquency programs and, in consultation with the Advisory Board on Missing Children, all Federal programs relating to missing and exploited children” for “delinquency programs”.

Subsec. (e). Pub. L. 98-473, §623(c), substituted “the Administrator” for “he” before “considers necessary”.

Subsec. (g). Pub. L. 98-473, §623(d), substituted “\$200,000” for “\$500,000”.

1980—Subsec. (a)(1). Pub. L. 96-509, §§8(a), 19(f)(1), substituted “the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration, the Director of the Office of Drug Abuse Policy, the Director of the ACTION Agency, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director of the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau, or their respective designees, the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Administrator of the Institute for Juvenile Justice and Delinquency Prevention, the Director of the National Institute of Justice, and representatives” for “the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Director of the Office of Drug Abuse Policy, the Commissioner of the Office of Education, the Director of the ACTION Agency, the Secretary of Housing and Urban Development, or their respective designees, the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Associate Administrator of the Institute for Juvenile Justice and Delinquency Prevention, and representatives”.

Subsec. (b). Pub. L. 96-509, §19(f)(2), struck out “Associate” before “Administrator”.

Subsec. (c). Pub. L. 96-509, §8(b), provided that the Coordinating Council make its annual recommendations to the Congress as well as the President and that the Coordinating Council review and make recommendations with respect to any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council and struck out “the Attorney General and”.

Subsec. (d). Pub. L. 96-509, §8(c), substituted “at least quarterly” for “a minimum of four times per year”.

Subsec. (e). Pub. L. 96-509, §§8(d), 19(f)(3), substituted “The Administrator shall” for “The Associate Administrator may”.

Subsec. (g). Pub. L. 96-509, §8(e), placed a limit of \$500,000 for each fiscal year on the amount authorized to be appropriated to carry out the purposes of this section.

1977—Subsec. (a)(1). Pub. L. 95-115, §3(a)(3)(A), (5), (d)(1), inserted references to the Commissioner of the Office of Education and the Director of the ACTION Agency, and substituted “Associate” for “Assistant” wherever appearing.

Subsec. (b). Pub. L. 95-115, §3(a)(3)(A), substituted “Associate” for “Assistant”.

Subsec. (c). Pub. L. 95-115, §3(d)(2), inserted provisions relating to review functions of the Council.

Subsec. (d). Pub. L. 95-115, §3(d)(3), substituted “four” for “six”.

Subsec. (e). Pub. L. 95-115, §3(d)(4), redesignated former par. (3) as entire subsec. (e) and, as so redesignated, inserted “or staff support” after “personnel” and substituted “Associate Administrator” for “Executive Secretary”. Former pars. (1) and (2), which related to appointment and responsibilities of the Executive Secretary, respectively, were struck out.

1976—Subsec. (a)(1). Pub. L. 94-237 substituted “Office of Drug Abuse Policy” for “Special Action Office for Drug Abuse Prevention”.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Apr. 4, 1994, see section 406(b) of Pub. L. 103-82, set out as a note under section 8332 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5603 of this title.

§ 5617. Annual report

Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains the following with respect to such fiscal year:

(1) A detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at

which juveniles are taken into custody, and the trends demonstrated by the data required by subparagraphs (A), (B), and (C). Such summary and analysis shall set out the information required by subparagraphs (A), (B), (C), and (D) separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

(A) the types of offenses with which the juveniles are charged;

(B) the race and gender of the juveniles;

(C) the ages of the juveniles;

(D) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lock-ups;

(E) the number of juveniles who died while in custody and the circumstances under which they died; and

(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school.

(2) A description of the activities for which funds are expended under this part, including the objectives, priorities, accomplishments, and recommendations of the Council.

(3) A description, based on the most recent data available, of the extent to which each State complies with section 5633 of this title and with the plan submitted under such section by the State for such fiscal year.

(4) A summary of each program or activity for which assistance is provided under part C or D of this subchapter, an evaluation of the results of such program or activity, and a determination of the feasibility and advisability of replicating such program or activity in other locations.

(5) A description of selected exemplary delinquency prevention programs for which assistance is provided under this subchapter, with particular attention to community-based juvenile delinquency prevention programs that involve and assist families of juveniles.

(Pub. L. 93-415, title II, §207, as added Pub. L. 100-690, title VII, §7255, Nov. 18, 1988, 102 Stat. 4437; amended Pub. L. 102-586, §2(e), Nov. 4, 1992, 106 Stat. 4986.)

PRIOR PROVISIONS

A prior section 5617, Pub. L. 93-415, title II, §207, as added Pub. L. 96-509, §9, Dec. 8, 1980, 94 Stat. 2753, related to establishment and functions of National Advisory Committee for Juvenile Justice and Delinquency Prevention, prior to repeal eff. Oct. 12, 1984, by Pub. L. 98-473, title II, §624, Oct. 12, 1984, 98 Stat. 2111.

Another prior section 5617, Pub. L. 93-415, title II, §207, Sept. 7, 1974, 88 Stat. 1117; Pub. L. 95-115, §3(e), Oct. 3, 1977, 91 Stat. 1050, related to National Advisory Committee for Juvenile Justice and Delinquency Prevention, its membership, terms of office, etc., prior to repeal by Pub. L. 96-509, §9, Dec. 8, 1980, 94 Stat. 2753.

AMENDMENTS

1992—Par. (1)(D). Pub. L. 102-586, §2(e)(1)(A), inserted “(including juveniles treated as adults for purposes of prosecution)”.

Par. (1)(F). Pub. L. 102-586, §2(e)(1)(B), (2), (3), added subpar. (F).

EFFECTIVE DATE

Section effective Oct. 1, 1988, with the report required by this section with respect to fiscal year 1988 to be submitted not later than Aug. 1, 1989, notwithstanding the 180-day period provided in this section, see section 7296(a), (b)(3) of Pub. L. 100-690, as amended, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

USE OF COURT ORDERS TO PLACE JUVENILES IN SECURE FACILITIES, JAILS AND LOCKUPS FOR ADULTS; INVESTIGATION AND REPORT

Section 7295 of Pub. L. 100-690 directed Comptroller General of the United States, not later than 180 days after Nov. 18, 1988, to conduct an investigation of extent to which valid court orders and court orders other than valid court orders, used in the 5-year period ending on Dec. 31, 1988, to place juveniles in secure detention facilities, in secure correctional facilities, and in jails and lockups for adults, and submit, not later than 3 years after Nov. 18, 1988, a report to certain congressional committees of results of investigation.

§§ 5618, 5619. Repealed. Pub. L. 96-509, § 9, Dec. 8, 1980, 94 Stat. 2753

Section 5618, Pub. L. 93-415, title II, §208, Sept. 7, 1974, 88 Stat. 1117, Pub. L. 95-115, §3(a)(3)(B), (f), Oct. 3, 1977, 91 Stat. 1048, 1050, set out the duties and provided for the staffing of the National Advisory Committee and numerous subcommittees.

Section 5619, Pub. L. 93-415, title II, §209, Sept. 7, 1974, 88 Stat. 1118, set out provisions for compensation and reimbursement for travel and other expenses of full and part time Federal employees serving on the Advisory Committee.

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 5667-1, 5667a-1, 5671, 5784 of this title.

AMENDMENTS

1988—Pub. L. 100-690, title VII, §7263(a)(1)(A), Nov. 18, 1988, 102 Stat. 4443, struck out subpart I heading "Formula Grants".

§ 5631. Authority to make grants and contracts

(a) The Administrator is authorized to make grants to States and units of local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

(b)(1) With not to exceed 2 percent of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and enter into contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local governments¹ (and combinations thereof), and local private agencies to facilitate compliance with section 5633 of this title and

¹ So in original. Probably should be "units of local governments".

implementation of the State plan approved under section 5633(c) of this title.

(2) Grants and contracts may be made under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such technical assistance. In providing such technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 5671(c)(1) of this title.

(Pub. L. 93-415, title II, §221, Sept. 7, 1974, 88 Stat. 1118; Pub. L. 95-115, §4(a), Oct. 3, 1977, 91 Stat. 1050; Pub. L. 98-473, title II, §625(a), Oct. 12, 1984, 98 Stat. 2111; Pub. L. 100-690, title VII, §7256, Nov. 18, 1988, 102 Stat. 4438; Pub. L. 102-586, §2(f)(1), Nov. 4, 1992, 106 Stat. 4987; Pub. L. 105-277, div. A, §101(b) [title I, §129(a)(2)(A)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-75.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277 substituted "units of local government" for "units of general local government".

1992—Subsec. (b)(2). Pub. L. 102-586, §2(f)(1)(A), which directed the substitution of "experience" for "existence", could not be executed because "existence" did not appear in text.

Pub. L. 102-586, §2(f)(1)(B), made technical amendment to reference to section 5671 of this title to reflect renumbering of corresponding section of original act.

1988—Pub. L. 100-690 inserted "and contracts" after "grants" in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

1984—Pub. L. 98-473 amended section catchline.

1977—Pub. L. 95-115 inserted "grants and" before "contracts" and substituted "units of general local government or combinations thereof" for "local governments".

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

§ 5632. Allocation of funds

(a) Time; basis; amounts

(1) Subject to paragraph (2) and in accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen.

(2)(A) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this subchapter (other than parts D and E) is less than \$75,000,000, then the amount allocated to each State for such fiscal year shall be not less than \$325,000, or such greater amount, up to \$400,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992¹ except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the

¹ So in original. Probably should be followed by a comma.

Commonwealth of the Northern Mariana Islands shall be not less than \$75,000, or such greater amount, up to \$100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992, each.

(B) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this subchapter (other than part D) equals or exceeds \$75,000,000, then the amount allocated to each State for such fiscal year shall be not less than \$400,000, or such greater amount, up to \$600,000, as is available to be allocated if appropriations have been enacted and made available to carry out parts D and E of this subchapter in the full amounts authorized by section 5671(a)(1) and (3) of this title¹ except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than \$100,000, or such greater amount, up to \$100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992¹ each.

(3) If, as a result of paragraph (2), the amount allocated to a State for a fiscal year would be less than the amount allocated to such State for fiscal year 1992, then the amounts allocated to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to allot² to such State for the fiscal year the amount allocated to such State for fiscal year 1992.

(b) Reallocation of unobligated funds

If any amount so allocated remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Any amount so reallocated shall be in addition to the amounts already allocated and available to the State, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands for the same period.

(c) Use of allocated funds for development, etc., of State plans; limitations; matching requirements

In accordance with regulations promulgated under this part, a portion of any allocation to any State under this part shall be available to develop a State plan or for other pre-award activities associated with such State plan, and to pay that portion of the expenditures which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position. Not more than 10 percent of the total annual allocation of such State shall be available for such purposes except that any amount expended or obligated by such State, or by units of local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be. The State shall make available needed funds for

planning and administration to units of local government or combinations thereof within the State on an equitable basis.

(d) Minimum annual allocation for assistance of advisory group

In accordance with regulations promulgated under this part, 5 per centum of the minimum annual allocation to any State under this part shall be available to assist the advisory group established under section 5633(a)(3) of this title.

(Pub. L. 93-415, title II, §222, Sept. 7, 1974, 88 Stat. 1118; Pub. L. 95-115, §4(b)(1), (2)(A)-(C), (3), (4), Oct. 3, 1977, 91 Stat. 1051; Pub. L. 96-509, §10, Dec. 8, 1980, 94 Stat. 2755; Pub. L. 98-473, title II, §625(b), Oct. 12, 1984, 98 Stat. 2111; Pub. L. 100-690, title VII, §7257, Nov. 18, 1988, 102 Stat. 4438; Pub. L. 102-586, §2(f)(2), Nov. 4, 1992, 106 Stat. 4987; Pub. L. 105-277, div. A, §101(b) [title I, §129(a)(2)(B)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-75.)

AMENDMENTS

1998—Subsec. (c). Pub. L. 105-277 substituted “units of local government” for “units of general local government” in two places.

1992—Subsec. (a)(2)(A). Pub. L. 102-586, §2(f)(2)(A), (B)(i), substituted “parts D and E” for “part D”, substituted “allocated” for “allotted” in two places, and inserted “or such greater amount, up to \$400,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992” and “, or such greater amount, up to \$100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992.”.

Subsec. (a)(2)(B). Pub. L. 102-586, §2(f)(2)(A), (B)(ii), substituted “allocated” for “allotted” in two places and inserted “or such greater amount, up to \$600,000, as is available to be allocated if appropriations have been enacted and made available to carry out parts D and E of this subchapter in the full amounts authorized by section 5671(a)(1) and (3) of this title” and “, or such greater amount, up to \$100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992.”.

Subsec. (a)(3). Pub. L. 102-586, §2(f)(2)(A), (B)(iii), substituted “allocated” for “allotted” wherever appearing and “1992” for “1988” in two places.

Subsec. (b). Pub. L. 102-586, §2(f)(2)(A), substituted “allocated” for “allotted” in two places.

Subsec. (c). Pub. L. 102-586, §2(f)(2)(A), (C), substituted “allocation” for “allotment” in two places, “, evaluation, and one full-time staff position” for “and evaluation”, and “10 percent” for “7½ per centum”.

Subsec. (d). Pub. L. 102-586, §2(f)(2)(A), substituted “allocation” for “allotment”.

1988—Subsec. (a)(1). Pub. L. 100-690, §7257(a)(1), (2), designated existing provisions as par. (1), substituted “Subject to paragraph (2) and in” for “In”, and struck out at end “No such allotment to any State shall be less than \$225,000, except that for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands no allotment shall be less than \$56,250.”

Subsec. (a)(2), (3). Pub. L. 100-690, §7257(a)(3), added pars. (2) and (3).

Subsec. (b). Pub. L. 100-690, §7257(b), substituted “If” for “Except for funds appropriated for fiscal year 1975, if” and struck out after first sentence “Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) of this section until June 30, 1976, after which time they may be reallocated.”

² So in original. Probably should be “allocate”.

1984—Subsec. (b). Pub. L. 98-473 substituted “the Trust Territory” for “and the Trust Territory” and inserted “, and the Commonwealth of the Northern Mariana Islands” after “Pacific Islands”.

1980—Subsec. (a). Pub. L. 96-509 inserted reference to the Commonwealth of the Northern Mariana Islands.

1977—Subsec. (a). Pub. L. 95-115, §4(b)(1), substituted “\$225,000” for “\$200,000” and “\$56,250” for “\$50,000”.

Subsec. (c). Pub. L. 95-115, §4(b)(2)(A), (B), (3), inserted provisions relating to pre-award activities, monitoring and evaluation payments, and matching requirements for expended or obligated amounts, and substituted “7½” for “15” and “units of general local government or combinations thereof” for “local governments”.

Subsec. (d). Pub. L. 95-115, §4(b)(2)(C), (4)(B), redesignated subsec. (e) as (d). Former subsec. (d), relating to limitations on financial assistance under this section, was struck out.

Subsec. (e). Pub. L. 95-115, §4(b)(4)(A), (B), added subsec. (e) and redesignated former subsec. (e) as (d).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by section 4(b)(1), (3) of Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

Section 4(b)(2)(D) of Pub. L. 95-115 provided that: “The amendments made by this paragraph [amending this section] shall take effect on October 1, 1978.”

Section 4(b)(4)(B) of Pub. L. 95-115 provided that the amendment made by such section 4(b)(4)(B) is effective Oct. 1, 1978.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5633, 5667c, 5675 of this title.

§ 5633. State plans

(a) Requirements

In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs and challenge activities subsequent to State participation in part E of this subchapter. The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) designate the State agency described in section 5671(c)(1) of this title as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with

paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for an advisory group, which—

(A) shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State—

(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice;

(ii) which members include—

(I) at least 1 locally elected official representing general purpose local government;

(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;

(IV) representatives of private non-profit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

(V) volunteers who work with delinquents or potential delinquents;

(VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;

(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and

(v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system;

(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

(C) shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile justice and delinquency pre-

vention grant applications submitted to the State agency designated under paragraph (1);

(D) shall, consistent with this subchapter—

(i) advise the State agency designated under paragraph (1) and its supervisory board;

(ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of paragraphs (12), (13), and (14) and with progress relating to challenge activities carried out pursuant to part E of this subchapter; and

(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

(E) may, consistent with this subchapter—

(i) advise on State supervisory board and local criminal justice advisory board composition;¹

(ii) review progress and accomplishments of projects funded under the State plan.

(4) provide for the active consultation with and participation of units of local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66⅔ per centum of funds received by the State under section 5632 of this title, other than funds made available to the State advisory group under section 5632(d) of this title, shall be expended—

(A) through programs of units of local government or combinations thereof, to the extent such programs are consistent with the State plan;

(B) through programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof; and

(C) to provide funds for programs of Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior) and that agree to attempt to comply with the requirements specified in paragraphs (12)(A), (13), and (14), applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the

aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age;²

(6) provide that the chief executive officer of the unit of local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure or to a regional planning agency (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;

(7) provide for an equitable distribution of the assistance received under section 5632 of this title within the State;

(8)(A) provide for (i) an analysis of juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) within the relevant jurisdiction (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the jurisdiction; (ii) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (iii) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

(B) contain—

(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females; and

(ii) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

(C) contain—

(i) an analysis of services for the prevention and treatment of juvenile delinquency in rural areas, including the need for such services, the types of such services available in rural areas, and geographically unique barriers to providing such services; and

¹ So in original. Probably should be followed by "and".

² So in original. The comma probably should be a semicolon.

(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

(D) contain—

(i) an analysis of mental health services available to juveniles in the juvenile justice system (including an assessment of the appropriateness of the particular placements of juveniles in order to receive such services) and of barriers to access to such services; and

(ii) a plan for providing needed mental health services to juveniles in the juvenile justice system;

(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, special education, recreation, health, and welfare within the State;

(10) provide that not less than 75 percent of the funds available to the State under section 5632 of this title, other than funds made available to the State advisory group under section 5632(d) of this title, whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization, specifically—

(i) for youth who can remain at home with assistance: home probation and programs providing professional supervised group activities or individualized mentoring relationships with adults that involve the family and provide counseling and other supportive services;

(ii) for youth who need temporary placement: crisis intervention, shelter, and after-care; and

(iii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

(B) community-based programs and services to work with—

(i) parents and other family members to strengthen families, including parent self-help groups, so that juveniles may be retained in their homes;

(ii) juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and

(iii) parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability;

(C) comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare

services, health care agencies, and private nonprofit agencies offering youth services;

(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth affected by the juvenile justice system;

(E) educational programs or supportive services for delinquent or other juveniles, provided equitably regardless of sex, race, or family income, designed to—

(i) encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including—

(I) education in settings that promote experiential, individualized learning and exploration of academic and career options;

(II) assistance in making the transition to the world of work and self-sufficiency;

(III) alternatives to suspension and expulsion; and

(IV) programs to counsel delinquent juveniles and other juveniles regarding the opportunities that education provides; and

(ii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—

(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

(F) expanded use of home probation and recruitment and training of home probation officers, other professional and paraprofessional personnel, and volunteers to work effectively to allow youth to remain at home with their families as an alternative to incarceration or institutionalization;

(G) youth-initiated outreach programs designed to assist youth (including youth with limited proficiency in English) who otherwise would not be reached by traditional youth assistance programs;

(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youth;

(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

(J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

(K) law-related education programs (and projects) for delinquent and at-risk youth designed to prevent juvenile delinquency;

(L) programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

- (i) a sense of safety and structure;
- (ii) a sense of belonging and membership;
- (iii) a sense of self-worth and social contribution;
- (iv) a sense of independence and control over one's life;
- (v) a sense of closeness in interpersonal relationships; and
- (vi) a sense of competence and mastery including health and physical competence, personal and social competence, cognitive and creative competence, vocational competence, and citizenship competence, including ethics and participation;

(M) programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

- (i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

- (ii) assist in the provision by the provision³ by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

(N) programs designed to prevent and reduce hate crimes committed by juveniles, including educational programs and sentencing programs designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration; and

(O) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and cultural barriers that may prevent the complete treatment of such juveniles and the preservation of their families.

(11) provide for the development of an adequate research, training, and evaluation capacity within the State;

(12)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses (other than an of-

fense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18 or a similar State law), or alien juveniles in custody, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities; and

(B) provide that the State shall submit annual reports to the Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which (i) are the least restrictive alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 5603(1) of this title;

(13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults;

(14) provide that no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through 1997, promulgate regulations which make exceptions with regard to the detention of juveniles accused of nonstatus offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within twenty-four hours after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas that are in compliance with paragraph (13) and—

(A)(i) are outside a Standard Metropolitan Statistical Area; and

(ii) have no existing acceptable alternative placement available;

(B) are located where conditions of distance to be traveled or the lack of highway, road, or other ground transportation do not allow for court appearances within 24 hours, so that a brief (not to exceed 48 hours) delay is excusable; or

(C) are located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel;

(15) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraph (12)(A), paragraph (13), and paragraph (14) are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph,

³So in original. The words "by the provision" probably should not appear.

which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;

(16) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and mentally, emotionally, or physically handicapping conditions;

(17) provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members when possible and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

(18) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(19) provide that fair and equitable arrangements shall be made to protect the interests of employees affected by assistance under this chapter and shall provide for the terms and conditions of such protective arrangements established pursuant to this section, and such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

(B) the continuation of collective-bargaining rights;

(C) the protection of individual employees against a worsening of their positions with respect to their employment;

(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this chapter; and

(E) training or retraining programs;

(20) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this subchapter;

(21) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

(22) provide that the State agency designated under paragraph (1) will from time to time, but not less often than annually, review

its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary;

(23) address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population;

(24) contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this subchapter; and

(25) provide an assurance that if the State receives under section 5632 of this title for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 1992, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services.

(b) Approval by State agency

The State agency designated under subsection (a)(1) of this section, after receiving and considering the advice and recommendations of the advisory group referred to in subsection (a) of this section, shall approve the State plan and any modification thereof prior to submission to the Administrator.

(c) Approval by Administrator; compliance with statutory requirements

(1) Subject to paragraph (2), the Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

(2) Failure to achieve compliance with the subsection (a)(12)(A) requirement within the 3-year time limitation shall terminate any State's eligibility for funding under this part for a fiscal year beginning before January 1, 1993, unless the Administrator determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 percent of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding 2 additional years.

(3) If a State fails to comply with the requirements of subsection (a),⁴ (12)(A), (13), (14), or (23) of this section in any fiscal year beginning after January 1, 1993—

(A) subject to subparagraph (B), the amount allotted under section 5632 of this title to the State for that fiscal year shall be reduced by 25 percent for each such paragraph with respect to which noncompliance occurs; and

(B) the State shall be ineligible to receive any allotment under that section for such fiscal year unless—

(i) the State agrees to expend all the remaining funds the State receives under this

⁴ So in original. The comma probably should not appear.

part (excluding funds required to be expended to comply with section 5632(c) and (d) of this title and with subsection (a)(5)(C) of this section) for that fiscal year only to achieve compliance with any such paragraph with respect to which the State is in non-compliance; or

(ii) the Administrator determines, in the discretion of the Administrator, that the State—

(I) has achieved substantial compliance with each such paragraph with respect to which the State was not in compliance; and

(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.

(d) Nonsubmission or nonqualification of plan; expenditure of allotted funds; availability of reallocated funds

In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 3783, 3784, and 3785 of this title, determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's allotment under the provisions of section 5632(a) of this title, excluding funds the Administrator shall make available to satisfy the requirement specified in section 5632(d) of this title, available to local public and private non-profit agencies within such State for use in carrying out activities of the kinds described in subsection (a)(12)(A), (13), (14) and (23) of this section. The Administrator shall make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis and to those States that have achieved full compliance with the requirements under subsection (a)(12)(A), (13), (14) and (23) of this section.

(Pub. L. 93-415, title II, §223, Sept. 7, 1974, 88 Stat. 1119; Pub. L. 94-503, title I, §130(b), Oct. 15, 1976, 90 Stat. 2425; Pub. L. 95-115, §§3(a)(3)(B), 4(c)(1)-(15), Oct. 3, 1977, 91 Stat. 1048, 1051-1054; Pub. L. 96-509, §§11, 19(g), Dec. 8, 1980, 94 Stat. 2755, 2764; Pub. L. 98-473, title II, §626, Oct. 12, 1984, 98 Stat. 2111; Pub. L. 100-690, title VII, §§7258, 7263(b)(1), Nov. 18, 1988, 102 Stat. 4439, 4447; Pub. L. 102-586, §2(f)(3)(A), Nov. 4, 1992, 106 Stat. 4987; Pub. L. 103-322, title XI, §110201(d), Sept. 13, 1994, 108 Stat. 2012; Pub. L. 104-294, title VI, §604(b)(28), Oct. 11, 1996, 110 Stat. 3508; Pub. L. 105-277, div. A, §101(b) [title I, §129(a)(2)(C)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-76.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(19), was in the original "this Act", meaning Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which enacted this chapter, sections 3772 to 3774 and 3821 of this title, and sections 4351 to 4353 and 5038 to 5042 of Title 18, Crimes and Criminal Procedure, amended sections 3701, 3723, 3733, 3768, 3811 to 3814, 3882, and 3883 to 3888 of this title, section 5108 of Title 5, Government Organization and Employees, and sections 5031 to 5037 of Title 18, and repealed section 3889 of this title. For complete classi-

fication of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables.

AMENDMENTS

1998—Subsec. (a)(4). Pub. L. 105-277, §101(b) [title I, §129(a)(2)(C)(i)], substituted "units of local government" for "units of general local government" after "participation of" and "units of local government" for "local governments" after "requests of".

Subsec. (a)(5). Pub. L. 105-277, §101(b) [title I, §129(a)(2)(C)(ii)], substituted "units of local government" for "units of general local government" in subpar. (A) and "unit of local government" for "unit of general local government" in subpar. (B).

Subsec. (a)(6). Pub. L. 105-277, §101(b) [title I, §129(a)(2)(C)(iii)], substituted "unit of local government" for "unit of general local government".

Subsec. (a)(10). Pub. L. 105-277, §101(b) [title I, §129(a)(2)(C)(iv)], substituted "unit of local government" for "unit of general local government" in introductory provisions.

1996—Subsec. (a)(12)(A). Pub. L. 104-294 substituted "similar State law" for "similar State law."

1994—Subsec. (a)(12)(A). Pub. L. 103-322 substituted "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18 or a similar State law)." for "which do not constitute violations of valid court orders".

1992—Subsec. (a). Pub. L. 102-586, §2(f)(3)(A)(i)(I), substituted "programs and challenge activities subsequent to State participation in part E of this subchapter. The State" for "programs, and the State" in introductory provisions.

Subsec. (a)(1). Pub. L. 102-586, §2(f)(3)(A)(i)(II), made technical amendment to reference to section 5671 of this title to reflect renumbering of corresponding section of original act.

Subsec. (a)(3). Pub. L. 102-586, §2(f)(3)(A)(i)(III), amended par. (3) generally, revising and restating as subpars. (A) to (E) provisions formerly appearing in text containing unindented subpars. (A) to (F).

Subsec. (a)(8). Pub. L. 102-586, §2(f)(3)(A)(i)(IV), designated existing provisions as subpar. (A), redesignated former cls. (A) to (C) as (i) to (iii), respectively, inserted "(including educational needs)" after "delinquency prevention needs" in two places in cl. (i), and added subpars. (B) to (D).

Subsec. (a)(9). Pub. L. 102-586, §2(f)(3)(A)(i)(V), inserted "recreation," after "special education."

Subsec. (a)(10). Pub. L. 102-586, §2(f)(3)(A)(i)(VI), amended par. (10) generally, revising and restating as introductory provisions and subpars. (A) to (O) provisions of former introductory provisions and subpars. (A) to (L).

Subsec. (a)(12)(A). Pub. L. 102-586, §2(f)(3)(A)(i)(VII), inserted "or alien juveniles in custody," after "court orders."

Subsec. (a)(13). Pub. L. 102-586, §2(f)(3)(A)(i)(VIII), struck out "regular" before "contact with" and inserted "or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults".

Subsec. (a)(14). Pub. L. 102-586, §2(f)(3)(A)(i)(IX)(bb), (cc), in introductory provisions substituted "1997" for "1993" and "areas that are in compliance with paragraph (13) and" for "areas which", added subpars. (A) to (C), and struck out former subpars. (A) to (C) which read as follows:

"(A) are outside a Standard Metropolitan Statistical Area,

"(B) have no existing acceptable alternative placement available, and

"(C) are in compliance with the provisions of paragraph (13);"

Pub. L. 102-586, §2(f)(3)(A)(i)(IX)(aa), which directed the amendment of par. (14) by striking out "; beginning after the five-year period following December 8, 1980," was executed by striking out "; beginning after the five-year period following December 8, 1980," after "provide that" to reflect the probable intent of Congress.

Subsec. (a)(16). Pub. L. 102-586, §2(f)(3)(A)(i)(X), amended par. (16) generally. Prior to amendment, par. (16) read as follows: "provide assurance that assistance will be available on an equitable basis to deal with disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth;"

Subsec. (a)(17). Pub. L. 102-586, §2(f)(3)(A)(i)(XI), substituted "the families" for "and maintain the family units" and "delinquency (which)" for "delinquency. Such" and inserted before semicolon "and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible)".

Subsec. (a)(25). Pub. L. 102-586, §2(f)(3)(A)(i)(XII)-(XIV), added par. (25).

Subsec. (c). Pub. L. 102-586, §2(f)(3)(A)(ii), amended subsec. (c) generally, revising and restating as pars. (1) to (3) provisions of former pars. (1) to (4).

Subsec. (d). Pub. L. 102-586, §2(f)(3)(A)(iii), inserted "excluding funds the Administrator shall make available to satisfy the requirement specified in section 5632(d) of this title," and substituted "activities of the kinds described in subsection (a)(12)(A), (13), (14) and (23) of this section" for "the purposes of subsection (a)(12)(A) of this section, subsection (a)(13) of this section, or subsection (a)(14) of this section" and "subsection (a)(12)(A), (13), (14) and (23) of this section" for "subsection (a)(12)(A) of this section and subsection (a)(13) of this section".

1988—Subsec. (a)(1). Pub. L. 100-690, §6263(b)(1), made technical amendment to reference to section 5671 of this title to reflect renumbering of corresponding section of original act.

Subsec. (a)(5). Pub. L. 100-690, §7258(a)(1), substituted in introductory provisions "shall be expended" for "shall be expended through", in subpar. (A) substituted "through programs" for "programs" and struck out "and" at end, in subpar. (B) substituted "through programs" for "programs" and inserted "and" after semicolon, and added subpar. (C).

Subsec. (a)(8)(A). Pub. L. 100-690, §7258(a)(2), substituted "relevant jurisdiction (including any geographical area in which an Indian tribe performs law enforcement functions)" for "relevant jurisdiction" and "juvenile crime problems (including the joining of gangs that commit crimes)" for "juvenile crime problems" in two places.

Subsec. (a)(14). Pub. L. 100-690, §7258(b), substituted "1993" for "1989", substituted a semicolon for the period at end of subpar. (iii), and redesignated subpars. (i) to (iii) as subpars. (A) to (C), respectively.

Subsec. (a)(23), (24). Pub. L. 100-690, §7258(c), added par. (23) and redesignated former par. (23) as (24).

Subsec. (c)(1). Pub. L. 100-690, §7258(d)(1)-(3), designated existing provisions as par. (1), substituted "part" for "subpart", and struck out last sentence which read as follows: "Failure to achieve compliance with the requirements of subsection (a)(14) of this section, within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 3 additional years."

Subsec. (c)(2) to (4). Pub. L. 100-690, §7258(d)(4), added pars. (2) to (4).

1984—Subsec. (a). Pub. L. 98-473, §626(a)(9), (10), struck out provision after numbered paragraphs which read as follows: "such plan may at the discretion of the Associate Administrator be incorporated into the plan specified in section 3743 of this title. Such plan shall be modified by the State, as soon as practicable after December 8, 1980, in order to comply with the requirements of paragraph (14)."

Subsec. (a)(1). Pub. L. 98-473, §626(a)(1), substituted "agency described in section 5671(c)(1) of this title" for

"criminal justice council established by the State under section 3742(b)(1) of this title".

Subsec. (a)(2). Pub. L. 98-473, §626(a)(2), struck out "(hereafter referred to in this part as the 'State criminal justice council') before "has or will have authority".

Subsec. (a)(3)(C). Pub. L. 98-473, §626(a)(3)(A), in amending subpar. (C) generally, designated provisions following "representatives of private organizations" as cl. (i) and inserted "including those with a special focus on maintaining and strengthening the family unit", designated provisions following "which utilize" as cl. (ii) and inserted "representatives of organizations which", added cl. (iii), designated provisions following "business groups as cl. (iv), designated the remainder of subpar. (C) as cl. (v) and substituted "family, school violence and vandalism, and learning disabilities," for "school violence and vandalism and the problem of learning disabilities; and organizations which represent employees affected by this chapter,".

Subsec. (a)(3)(F). Pub. L. 98-473, §626(a)(3)(B)(i), substituted "agency designated under paragraph (1)" for "criminal justice council" in three places.

Subsec. (a)(3)(F)(ii). Pub. L. 98-473, §626(a)(3)(B)(ii), substituted "paragraphs (12), (13), and (14)" for "paragraph (12)(A) and paragraph (13)".

Subsec. (a)(3)(F)(iv). Pub. L. 98-473, §626(a)(3)(B)(iii), substituted "paragraphs (12), (13), and (14)" for "paragraph (12)(A) and paragraph (13)" and struck out "in advising on the State's maintenance of effort under section 3793a of this title," before "and in review".

Subsec. (a)(9). Pub. L. 98-473, §626(a)(4), inserted "special education,".

Subsec. (a)(10). Pub. L. 98-473, §626(a)(5)(A), in provisions preceding subpar. (A), substituted "programs for juveniles, including those processed in the criminal justice system," for "programs for juveniles" and "provide for effective rehabilitation, and facilitate the coordination of services between the juvenile justice and criminal justice systems" for "and provide for effective rehabilitation".

Subsec. (a)(10)(E). Pub. L. 98-473, §626(a)(5)(B), inserted "including programs to counsel delinquent youth and other youth regarding the opportunities which education provides".

Subsec. (a)(10)(F). Pub. L. 98-473, §626(a)(5)(C), inserted "and their families".

Subsec. (a)(10)(H)(iii). Pub. L. 98-473, §626(a)(5)(D)(i), substituted "National Advisory Committee for Juvenile Justice and Delinquency Prevention made before October 12, 1984, standards for the improvement of juvenile justice within the State;" for "Advisory Committee, standards for the improvement of juvenile justice within the State; or".

Subsec. (a)(10)(H)(v). Pub. L. 98-473, §626(a)(5)(D)(ii), (iii), added cl. (v).

Subsec. (a)(10)(I). Pub. L. 98-473, §626(a)(5)(E), struck out "and" at end.

Subsec. (a)(10)(J). Pub. L. 98-473, §626(a)(5)(F), struck out "juvenile gangs and their members" and inserted "gangs whose membership is substantially composed of juveniles".

Subsec. (a)(10)(K), (L). Pub. L. 98-473, §626(a)(5)(G), added subpars. (K) and (L).

Subsec. (a)(14). Pub. L. 98-473, §626(a)(6), in amending par. (14) generally, inserted "through 1989," after "shall" and substituted provisions relating to exceptions for former provisions which related to the special needs of areas characterized by low population density with respect to the detention of juveniles and exceptions for temporary detention in adult facilities of juveniles accused of serious crimes against persons.

Subsec. (a)(17), (18). Pub. L. 98-473, §626(a)(11), (12), added par. (17) and redesignated former par. (17) as (18). Former par. (18) redesignated (19).

Subsec. (a)(19). Pub. L. 98-473, §626(a)(11), redesignated par. (18) as (19). Former par. (19) redesignated (20).

Pub. L. 98-473, §626(a)(7), in provisions preceding (A), substituted "shall be" for "are" after "arrangements"

and substituted “chapter and shall provide for the terms and conditions of such protective arrangements established pursuant to this section, and such” for “chapter. Such”, inserted “and” at end of subpar. (D), substituted a semicolon for the period at end of subpar. (E), and struck out last sentence, which read as follows: “The State plan shall provide for the terms and conditions of the protection arrangements established pursuant to this section.”.

Subsec. (a)(20), (21). Pub. L. 98-473, § 626(a)(11), redesignated pars. (19) and (20) as (20) and (21), respectively. Former par. (21) redesignated (22).

Subsec. (a)(22). Pub. L. 98-473, § 626(a)(11), redesignated par. (21) as (22). Former par. (22) redesignated (23).

Pub. L. 98-473, § 626(a)(8), substituted “agency designated under paragraph (1)” for “criminal justice council”.

Subsec. (a)(23). Pub. L. 98-473, § 626(a)(11), redesignated par. (22) as (23).

Subsec. (b). Pub. L. 98-473, § 626(b), substituted “agency designated under subsection (a)(1) of this section” for “criminal justice council designated pursuant to section 5633(a) of this title” and “subsection (a) of this section” for “section 5633(a) of this title”.

Subsec. (c). Pub. L. 98-473, § 626(c), substituted “3” for “2” before “additional years”.

Subsec. (d). Pub. L. 98-473, § 626(d), made a conforming amendment to the reference to sections 3783, 3784, and 3785 of this title to reflect the renumbering of the corresponding sections of the original act.

1980—Subsec. (a). Pub. L. 96-509, § 11(a)(1), in provisions preceding par. (1), provided for 3-year, rather than annual, plans and annually submitted performance reports which describe the progress in implementing programs contained in the original plan and the status of compliance with State plan requirements.

Pub. L. 96-509, §§ 11(a)(15)(B), 19(g)(11), in provisions following par. (22), substituted reference to section 3743 of this title for reference to section 3733(a) of this title and inserted provision that plans be modified by States as soon as possible after Dec. 8, 1980, in order to comply with the requirements of par. (14).

Subsec. (a)(1). Pub. L. 96-509, § 19(g)(1), substituted “State criminal justice council established by the State under section 3742(b)(1) of this title” for “State planning agency established by the State under section 3723 of this title”.

Subsec. (a)(2). Pub. L. 96-509, § 19(g)(2), substituted “criminal justice council” for “planning agency”.

Subsec. (a)(3)(A). Pub. L. 96-509, §§ 11(a)(2), 19(g)(3), provided that State advisory groups shall consist of between 15 and 33 members rather than between 21 and 33 members and substituted “juvenile delinquency” for “a juvenile delinquency”.

Subsec. (a)(3)(B). Pub. L. 96-509, § 11(a)(3), provided that locally elected officials be included on State advisory groups and made clear that special education departments be included along with other public agencies for representation on State advisory groups.

Subsec. (a)(3)(E). Pub. L. 96-509, § 11(a)(4), provided that one-fifth of the members of State advisory groups be under 24 years of age at the time of their appointment, rather than one-third under 26 years of age.

Subsec. (a)(3)(F). Pub. L. 96-509, §§ 11(a)(5), (6), 19(g)(4), substituted in cl. (i) “criminal justice council” for “planning agency”, in cl. (ii) provision that the State advisory groups submit recommendations to the Governor and the legislature at least annually regarding matters related to its functions for provision that the State advisory groups advise the Governor and the legislature on matters related to its functions as requested, in cl. (iii) “criminal justice council” for “planning agency other than those subject to review by the State’s judicial planning committee established pursuant to section 3723(c) of this title”, in cl. (iv) “criminal justice council and local criminal justice advisory” for “planning agency and regional planning unit supervisory” and “section 3793a of this title” for “sections 3768(b) and 5671(b) of this title”, and added cl. (v).

Subsec. (a)(8). Pub. L. 96-509, § 11(a)(7), provided that State juvenile justice plan requirements conform to State criminal justice application requirements and required a State concentration of effort to coordinate State juvenile delinquency programs and policy.

Subsec. (a)(10). Pub. L. 96-509, § 11(a)(8)(A)–(C), in provisions preceding subpar. (A), clarified that the advanced techniques described in this paragraph are to be used to provide community-based alternatives to “secure” juvenile detention and correctional facilities and that advanced techniques can be used for the purpose of providing programs for juveniles who have committed serious crimes, particularly programs designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation.

Subsec. (a)(10)(A). Pub. L. 96-509, § 11(a)(9), inserted provisions for inclusion of education and special education programs among community-based programs and services.

Subsec. (a)(10)(E). Pub. L. 96-509, § 11(a)(10), clarified that educational programs included as advanced techniques should be designed to encourage delinquent and other youth to remain in school.

Subsec. (a)(10)(H). Pub. L. 96-509, § 11(a)(11), provided that statewide programs through the use of subsidies or other financial incentives to units of local government be designed to (1) remove juveniles from jails and lock-ups for adults, (2) replicate juvenile programs designed as exemplary by the National Institute of Justice, (3) establish and adopt standards for the improvement of juvenile justice within the State, or, (4) increase the use of nonsecure, community-based facilities and discourage the use of secure incarceration and detention.

Subsec. (a)(10)(I). Pub. L. 96-509, § 11(a)(12), revised subpar. (I) to provide that advanced technique programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities include on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles.

Subsec. (a)(10)(J). Pub. L. 96-509, § 11(a)(8)(D), added subpar. (J).

Subsec. (a)(11). Pub. L. 96-509, § 19(g)(5), substituted “provide” for “provides”.

Subsec. (a)(12)(A). Pub. L. 96-509, § 11(a)(13), clarified that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult shall not be placed in secure detention facilities or secure correctional facilities rather than simply, as formerly, juvenile detention or correctional facilities.

Subsec. (a)(12)(B). Pub. L. 96-509, § 19(g)(6), substituted “Administrator” for “Associate Administrator”.

Subsec. (a)(14). Pub. L. 96-509, § 11(a)(15)(A), added par. (14). Former par. (14) redesignated (15).

Subsec. (a)(15). Pub. L. 96-509, §§ 11(a)(14), (15)(A), 19(g)(7), redesignated former par. (14) as (15) and in par. (15) as so redesignated, provided that the annual reporting requirements of the results of the monitoring required by this section can be waived for States which have complied with the requirements of par. (12)(A), par. (13), and par. (14), and which have enacted legislation, conforming to those requirements, which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively and substituted “to the Administrator” for “to the Associate Administrator”. Former par. (15) redesignated (16).

Subsec. (a)(16), (17). Pub. L. 96-509, § 11(a)(15)(A), redesignated former pars. (15) and (16) as (16) and (17), respectively. Former par. (17) redesignated (18).

Subsec. (a)(18). Pub. L. 96-509, §§ 11(a)(15)(A), 19(g)(8), redesignated former par. (17) as (18) and, in subpar. (A) of par. (18) as so redesignated, substituted “preservation of rights” for “preservation or rights”. Former par. (18) redesignated (19).

Subsec. (a)(19), (20). Pub. L. 96-509, § 11(a)(15)(A), redesignated former pars. (18) and (19) as (19) and (20), respectively.

Subsec. (a)(21). Pub. L. 96-509, §§11(a)(15)(A), 19(g)(9), redesignated former par. (20) as (21) and substituted "State criminal justice council will from time to time, but not less often than annually, review its plan and submit to the Administrator" for "State planning agency will from time to time, but not less often than annually, review its plan and submit to the Associate Administrator". Former par. (21) redesignated (22).

Subsec. (a)(22). Pub. L. 96-509, §§11(a)(15)(A), 19(g)(10), redesignated former par. (21) as (22) and substituted "Administrator" for "Associate Administrator".

Subsec. (b). Pub. L. 96-509, §19(g)(12), substituted "criminal justice council" for "planning agency".

Subsec. (c). Pub. L. 96-509, §11(b), made conforming amendment, redefined "substantial compliance" with regard to subsection (a)(12)(A) of this section to include either 75 percent deinstitutionalization of juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such nonoffenders as dependent or neglected children or the removal of 100 percent of such juveniles from secure correctional facilities, and inserted provision at end defining substantial compliance with regard to subsec. (a)(14) of this section.

Subsec. (d). Pub. L. 96-509, §§11(c), 19(g)(13), substituted reference to sections 3783, 3784, and 3785 of this title for reference to sections 3757, 3758, and 3759 of this title and provided that redistributed allotments be used for the purposes of subsections (a)(12)(A), (a)(13) or (a)(14) of this section, and further provided that the Administrator shall make such reallocated funds available on an equitable basis to States that have achieved full compliance with the requirements under subsections (a)(12)(A) and (a)(13) of this section.

1977—Subsec. (a)(3). Pub. L. 95-115, §4(c)(1), in introductory text substituted provisions relating to functions under subpar. (F) and participation in the development and review of the plan, for provisions relating to advisement of the State planning agency and its supervisory board, in subpar. (C) inserted provision relating to representatives from business groups and businesses, and in subpar. (E) inserted requirement for at least three of the members to be or have been under the jurisdiction of the juvenile justice system, and added subpar. (F).

Subsec. (a)(4). Pub. L. 95-115, §4(c)(2), inserted provisions relating to grants or contracts with local private agencies or the advisory group, and substituted "units of general local government or combinations thereof in" for "local governments in".

Subsec. (a)(5). Pub. L. 95-115, §4(c)(3), substituted provisions relating to requirements respecting expenditure of funds through programs of units of general local government or combinations thereof and programs of local private agencies, for provisions relating to requirements respecting expenditure of funds through programs of local government.

Subsec. (a)(6). Pub. L. 95-115, §4(c)(4), inserted provision relating to regional planning agency and "unit of general" before "local government".

Subsec. (a)(8). Pub. L. 95-115, §4(c)(5), inserted provisions relating to programs and projects developed under the study.

Subsec. (a)(10). Pub. L. 95-115, §4(c)(6)(A)(i), (B), inserted provisions relating to availability of funds to the State advisory group and provisions expanding authorized use of funds to include encouragement of diversity of alternatives within the juvenile justice system and adoption of juvenile justice standards, and substituted reference to unit of general local government or combination of such unit with the State, for reference to local government.

Subsec. (a)(10)(A). Pub. L. 95-115, §4(c)(6)(A)(ii), inserted "twenty-four hour intake screening, volunteer and crisis home programs, day treatment, and home probation," after "health services,".

Subsec. (a)(10)(C). Pub. L. 95-115, §4(c)(6)(A)(iii), substituted "other youth to help prevent delinquency" for "youth in danger of becoming delinquent".

Subsec. (a)(10)(D). Pub. L. 95-115, §4(c)(6)(A)(iv), substituted provisions relating to programs stressing advo-

cacy activities, for provisions relating to programs of drug and alcohol abuse education and prevention and programs for treatment and rehabilitation of drug addicted youth and drug dependent youth as defined in section 201(q) of this title.

Subsec. (a)(10)(G). Pub. L. 95-115, §4(c)(6)(A)(v), inserted "traditional youth" after "reached by".

Subsec. (a)(10)(H). Pub. L. 95-115, §4(c)(6)(A)(vi), substituted "are" for "that may include but are not limited to programs".

Subsec. (a)(10)(I). Pub. L. 95-115, §4(c)(6)(A)(vii), added subpar. (I).

Subsec. (a)(12). Pub. L. 95-115, §4(c)(7), redesignated existing provisions as subpar. (A), substituted provisions relating to detention requirements respecting programs within three years after submission of the initial plan, for provisions relating to detention requirements respecting programs within two years after submission of the plan, and added subpar. (B).

Subsec. (a)(13). Pub. L. 95-115, §4(c)(8), inserted "and youths within the purview of paragraph (12)" after "delinquent".

Subsec. (a)(14). Pub. L. 95-115, §§3(a)(3)(B), 4(c)(9), inserted "(A)" after "(12)" and "Associate" before "Administrator" and substituted "facilities, correctional facilities, and non-secure facilities" for "facilities, and correctional facilities".

Subsec. (a)(15). Pub. L. 95-115, §4(c)(10), struck out "all" before "disadvantaged".

Subsec. (a)(19). Pub. L. 95-115, §4(c)(11), struck out ", to the extent feasible and practical" before "the level".

Subsec. (a)(20), (21). Pub. L. 95-115, §3(a)(3)(B), inserted "Associate" before "Administrator" wherever appearing.

Subsec. (b). Pub. L. 95-115, §4(c)(12), substituted provisions relating to advice and recommendations for provisions relating to consultations.

Subsec. (c). Pub. L. 95-115, §4(c)(13), inserted provisions relating to failure to achieve compliance with the requirements of subsec. (a)(12)(A) within the three-year time limitation.

Subsec. (d). Pub. L. 95-115, §4(c)(14), inserted provision relating to the State choosing not to submit a plan and provision relating to reallocation of funds by the Administrator.

Subsec. (e). Pub. L. 95-115, §4(c)(15), struck out subsec. (e) which related to reallocation of funds in a State where the State plan fails to meet the requirements of this section as a result of oversight or neglect.

1976—Subsec. (a). Pub. L. 94-503 substituted "(15), and (17)" for "and (15)" in provisions preceding par. (1).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, but amendment by section 7258(a) of Pub. L. 100-690 not applicable to a State with respect to a fiscal year beginning before Nov. 18, 1988, if the State plan is approved before such date by the Administrator for such fiscal year, see section 7296(a), (b)(1) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

Section 4(c)(3)(B) of Pub. L. 95-115 provided in part that the amendment of subsec. (a)(5) of this section,

which substituted “5632(d)” for “5632(e)”, by section 4(c)(3)(B) of Pub. L. 95-115 is effective Oct. 1, 1978.

Section 4(c)(6)(B) of Pub. L. 95-115 provided in part that the amendment of subsec. (a)(10) of this section, which substituted “5632(d)” for “5632(e)”, by section 4(c)(6)(B) of Pub. L. 95-115 is effective Oct. 1, 1978.

SAVINGS PROVISION

Section 2(f)(3)(B) of Pub. L. 102-586 provided that: “Notwithstanding the amendment made by subparagraph (A)(ii) [amending this section], section 223(c)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)(3)), as in effect on the day prior to the date of enactment of this Act [Nov. 4, 1992], shall remain in effect to the extent that it provides the Administrator authority to grant a waiver with respect to a fiscal year prior to a fiscal year beginning before January 1, 1993.” On the day prior to Nov. 4, 1992, subsec. (c)(3) of this section read as follows: “Except as provided in paragraph (2), failure to achieve compliance with the requirements of subsection (a)(14) of this section after December 8, 1985, shall terminate any State’s eligibility for funding under this part unless the Administrator waives the termination of the State’s eligibility on the condition that the State agrees to expend all of the funds to be received under this part by the State (excluding funds required to be expended to comply with subsections (c) and (d) of section 5632 of this title and with subsection (a)(5)(C) of this section), only to achieve compliance with subsection (a)(14) of this section.”

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

COSTS AND IMPLICATIONS OF REMOVAL OF JUVENILES FROM ADULTS IN JAILS; REPORT TO CONGRESS

Section 17 of Pub. L. 96-509 provided that the Administrator of the Office of Juvenile Justice and Delinquency Prevention, not later than 18 months after Dec. 8, 1980, submit a report to the Congress relating to the cost and implications of any requirement added to the Juvenile Justice and Delinquency Prevention Act of 1974 which would mandate the removal of juveniles from adults in all jails and lockups, such report to include an estimate of the costs likely to be incurred by the States, an analysis of the experience of States which required the removal of juveniles from adults in all jails and lockups, an analysis of possible adverse ramifications which might result from such requirement of removal, and recommendations for such legislative or administrative action as the Administrator considers appropriate.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5614, 5616, 5617, 5631, 5632, 5651, 5662, 5665a, 5671, 5674, 5675, 5782 of this title.

§§ 5634 to 5639. Repealed. Pub. L. 100-690, title VII, § 7263(a)(1)(B), Nov. 18, 1988, 102 Stat. 4443

Section 5634, Pub. L. 93-415, title II, § 224, Sept. 7, 1974, 88 Stat. 1122; Pub. L. 95-115, § 4(d), Oct. 3, 1977, 91 Stat. 1054; Pub. L. 96-509, §§ 12, 19(h), Dec. 8, 1980, 94 Stat. 2759, 2765; Pub. L. 98-473, title II, § 627, Oct. 12, 1984, 98 Stat. 2114, related to funding of special emphasis prevention and treatment programs through grants and contracts.

Section 5635, Pub. L. 93-415, title II, § 225, Sept. 7, 1974, 88 Stat. 1123; Pub. L. 94-503, title I, § 130(c), Oct. 15, 1976, 90 Stat. 2425; Pub. L. 95-115, § 4(e), Oct. 3, 1977, 91 Stat. 1055; Pub. L. 98-473, title II, § 628, Oct. 12, 1984, 98 Stat. 2116, related to applications for grants and contracts under section 5634 of this title.

Section 5636, Pub. L. 93-415, title II, § 226, Sept. 7, 1974, 88 Stat. 1124, provided for proceedings by Administrator in the case of noncompliance of program or activity with this subchapter.

Section 5637, Pub. L. 93-415, title II, § 227, Sept. 7, 1974, 88 Stat. 1124; Pub. L. 95-115, § 4(f), Oct. 3, 1977, 91 Stat. 1055; Pub. L. 96-509, § 13(a), Dec. 8, 1980, 94 Stat. 2759; Pub. L. 98-473, title II, § 629, Oct. 12, 1984, 98 Stat. 2117, related to use of funds paid pursuant to this subchapter.

Section 5638, Pub. L. 93-415, title II, § 228, Sept. 7, 1974, 88 Stat. 1124; Pub. L. 95-115, § 4(g)(1), (2), (3)(A), Oct. 3, 1977, 91 Stat. 1055, 1056; Pub. L. 96-509, §§ 14, 19(i), Dec. 8, 1980, 94 Stat. 2760, 2765; Pub. L. 98-473, title II, § 630, Oct. 12, 1984, 98 Stat. 2117, related to continuing financial assistance for programs.

Section 5639, Pub. L. 93-415, title II, § 229, as added Pub. L. 95-115, § 4(h), Oct. 3, 1977, 91 Stat. 1056, provided for confidentiality of program records.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

PART C—NATIONAL PROGRAMS

AMENDMENTS

1988—Pub. L. 100-690, title VII, § 7263(a)(2)(A), Nov. 18, 1988, 102 Stat. 4443, substituted “National Programs” for “National Institute for Juvenile Justice and Delinquency Prevention” as part heading.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 5614, 5617, 5667-1, 5667a-1, 5671, 5675 of this title.

SUBPART I—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

AMENDMENTS

1988—Pub. L. 100-690, title VII, § 7263(a)(2)(B), Nov. 18, 1988, 102 Stat. 4443, added subpart heading.

§ 5651. Establishment of National Institute for Juvenile Justice and Delinquency Prevention

(a) Establishment

There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice and Delinquency Prevention.

(b) Deputy Administrator as head; Administrator to supervise and direct

The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the Administrator.

(c) Coordination of activities with National Institute of Justice

The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of Justice in accordance with the requirements of section 5611(b) of this title.

(d) Purpose of Institute

It shall be the purpose of the Institute to provide—

(1) a coordinating center for the collection, preparation, and dissemination of useful data regarding the prevention, treatment, and control of juvenile delinquency; and

(2) appropriate training (including training designed to strengthen and maintain the family unit) for representatives of Federal, State, local law enforcement officers, teachers and special education personnel¹ recreation and park personnel,² family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel, prosecutors and defense attorneys, correctional personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention, treatment, and control of juvenile delinquency.

(e) Additional powers

In addition to the other powers, express and implied, the Institute may—

(1) request any Federal agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions;

(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

(4) make grants and enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any functions of the Institute;

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter payable under section 5376 of title 5 and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently; and

(6) assist, through training, the advisory groups established pursuant to section 5633(a)(3) of this title or comparable public or private citizen groups in nonparticipating States in the accomplishment of their objectives consistent with this subchapter.

(f) National conference of member representatives from State advisory groups

(1) The Administrator, acting through the Institute, shall provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 5633(a)(3) of this title to assist such organization to carry out the functions specified in paragraph (2).

(2) To be eligible to receive such assistance, such organization shall agree to carry out activities that include—

(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

(B) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 5665 of this title;

(C) reviewing Federal policies regarding juvenile justice and delinquency prevention;

(D) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

(E) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention.

(g) Cooperation of other Federal agencies

Any Federal agency which receives a request from the Institute under subsection (e)(1) of this section may cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute.

(Pub. L. 93-415, title II, §241, Sept. 7, 1974, 88 Stat. 1125; Pub. L. 95-115, §§3(a)(3)(A), (5), 5(a), (f), Oct. 3, 1977, 91 Stat. 1048, 1049, 1056, 1057; Pub. L. 96-509, §19(j), Dec. 8, 1980, 94 Stat. 2765; Pub. L. 98-473, title II, §631, Oct. 12, 1984, 98 Stat. 2118; Pub. L. 100-690, title VII, §7259, Nov. 18, 1988, 102 Stat. 4441; Pub. L. 102-586, §2(g)(1), Nov. 4, 1992, 106 Stat. 4994.)

AMENDMENTS

1992—Subsec. (d)(2). Pub. L. 102-586, §2(g)(1)(A), inserted “recreation and park personnel,” after “special education personnel” and “prosecutors and defense attorneys,” after “probation personnel.”

Subsec. (e)(5). Pub. L. 102-586, §2(g)(1)(B)(i), substituted “payable under section 5376” for “prescribed for GS-18 of the General Schedule by section 5332”.

Subsec. (e)(6). Pub. L. 102-586, §2(g)(1)(B)(ii), substituted “subchapter” for “chapter”.

1988—Subsec. (b). Pub. L. 100-690, §7259(a), struck out before period at end “,” and shall be headed by a Deputy Administrator of the Office appointed under section 5611(c) of this title”.

Subsec. (f)(1). Pub. L. 100-690, §7259(b)(3), (4), designated existing provisions as par. (1) and substituted “provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 5633(a)(3) of this title to assist such organization to carry out the functions specified in paragraph (2).” for “provide, not less frequently than once every 2 years, for a national conference of member representatives from State advisory groups for the purpose of—”.

Subsec. (f)(2). Pub. L. 100-690, §7259(b)(4), added par. (2) designation, introductory provisions, and subpar. (A). Former par. (2) redesignated subpar. (C) of par. (2).

Subsec. (f)(2)(B). Pub. L. 100-690, §7259(b)(1), (2), redesignated former par. (1) as subpar. (B) of par. (2) and substituted “section 5665” for “section 5634”.

Subsec. (f)(2)(C) to (E). Pub. L. 100-690, §7259(b)(2), redesignated former pars. (2) to (4) as subpars. (C) to (E), respectively, of par. (2).

Subsec. (h). Pub. L. 100-690, §7259(c), struck out subsec. (h) which subjected the authorities of the Institute under this part to terms and conditions of section 5635(d) of this title.

1984—Subsec. (b). Pub. L. 98-473, §631(b), substituted “section 5611(c) of this title” for “section 5611(f) of this title”.

Subsec. (d). Pub. L. 98-473, §631(c), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “It shall be the purpose of the Institute to provide a coordinating center for the collection, prepara-

¹ So in original. Probably should be followed by a comma.

² So in original.

tion, and dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, teachers, and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel and other persons, including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations, connected with the treatment and control of juvenile offenders.”

Subsecs. (f), (g). Pub. L. 98-473, §631(d)(1), (2), added subsec. (f) and redesignated former subsec. (f) as (g).

Subsec. (h). Pub. L. 98-473, §631(d)(3), added subsec. (h).

1980—Subsec. (b). Pub. L. 96-509, §19(j)(1), substituted “Administrator” for “Associate Administrator” and “Deputy Administrator” for “Deputy Associate Administrator”.

Subsec. (c). Pub. L. 96-509, §19(j)(2), substituted “National Institute of Justice” for “National Institute of Law Enforcement and Criminal Justice”.

1977—Subsec. (b). Pub. L. 95-115, §3(a)(3)(A), (5), substituted “Associate” for “Assistant” wherever appearing.

Subsec. (d). Pub. L. 95-115, §5(a)(1), (f), redesignated subsec. (f) as (d) and expanded scope of lay personnel to include persons associated with law-related education programs, etc. Former subsec. (d), which set forth the responsibilities of the Administrator, was struck out.

Subsec. (e). Pub. L. 95-115, §5(a)(1), (2), (3), redesignated subsec. (g) as (e) and, as so redesignated, in par. (4) inserted provision authorizing the making of grants and added par. (6). Former subsec. (e), which authorized the Administrator to delegate powers under this chapter, was struck out.

Subsec. (f). Pub. L. 95-115, §5(a)(1), (4), (5), redesignated subsec. (h) as (f) and substituted “(e)” for “(g)”. Former subsec. (f) redesignated (d).

Subsec. (g). Pub. L. 95-115, §5(a)(1), redesignated subsec. (g) as (e).

Subsec. (h). Pub. L. 95-115, §5(a)(4), redesignated subsec. (h), which in the original was designated as (b) and had been editorially designated as (h), as (f).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5661, 5665a of this title.

§ 5652. Information function of Institute

The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) on a continuing basis, review reports, data, and standards relating to the juvenile justice system in the United States;

(2) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of

juvenile delinquency, including the prevention and treatment of juvenile delinquency; and

(3) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs (including drug and alcohol programs and gender-specific programs) and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

(Pub. L. 93-415, title II, §242, Sept. 7, 1974, 88 Stat. 1126; Pub. L. 100-690, title VII, §7260, Nov. 18, 1988, 102 Stat. 4441; Pub. L. 102-586, §2(g)(2), Nov. 4, 1992, 106 Stat. 4995.)

AMENDMENTS

1992—Par. (3). Pub. L. 102-586 inserted “(including drug and alcohol programs and gender-specific programs)” after “treatment programs”.

1988—Pub. L. 100-690 inserted “Administrator, acting through the” after “The”, substituted “Prevention, shall” for “Prevention is authorized to”, added par. (1), and redesignated former pars. (1) and (2) as (2) and (3), respectively.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

§ 5653. Research, demonstration, and evaluation functions of Institute

(a) The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention, is authorized to—

(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which seek to strengthen and preserve families or which show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

(3) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

(i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

(ii) assist in the provision by the Administrator of information and technical assist-

ance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

(4) Encourage¹ the development of programs which, in addition to helping youth take responsibility for their behavior, take into consideration life experiences which may have contributed to their delinquency when developing intervention and treatment programs;

(5)² encourage the development and establishment of programs to enhance the States' ability to identify chronic serious and violent juvenile offenders who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;

(5)² provide for the evaluation of all juvenile delinquency programs assisted under this subchapter in order to determine the results and the effectiveness of such programs;

(6) provide for the evaluation of any other Federal, State, or local juvenile delinquency program;

(7) prepare, in cooperation with educational institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including—

(A) recommendations designed to promote effective prevention and treatment, particularly by strengthening and maintaining the family unit;

(B) assessments regarding the role of family violence, sexual abuse or exploitation, media violence, the improper handling of youth placed in one State by another State, the effectiveness of family-centered treatment programs, special education, remedial education, and recreation, and the extent to which youth in the juvenile system are treated differently on the basis of sex, race, or family income and the ramifications of such treatment;

(C) examinations of the treatment of juveniles processed in the criminal justice system; and

(D) recommendations as to effective means for deterring³ involvement in illegal activities or promoting involvement in lawful activities (including the productive use of discretionary time through organized recreational⁴ on the part of gangs whose membership is substantially composed of juveniles;

(8) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency;

(9) disseminate pertinent data and studies to individuals, agencies, and organizations con-

cerned with the prevention and treatment of juvenile delinquency;

(10) develop and support model State legislation consistent with the mandates of this subchapter and the standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention before October 12, 1984;

(11) support research relating to reducing the excessive proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups; and⁵

(12) support independent and collaborative research, research training, and consultation on social, psychological, educational, economic, and legal issues affecting children and families;

(13) support research related to achieving a better understanding of the commission of hate crimes by juveniles and designed to identify educational programs best suited to prevent and reduce the incidence of hate crimes committed by juveniles; and

(14) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

(A) all aspects of juveniles as victims and offenders;

(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

(b) The Administrator shall make available to the public—

(1) the results of evaluations and research and demonstration activities referred to in subsection (a)(8) of this section; and

(2) the data and studies referred to in subsection (a)(9) of this section;

that the Administrator is authorized to disseminate under subsection (a) of this section.

(Pub. L. 93-415, title II, §243, Sept. 7, 1974, 88 Stat. 1126; Pub. L. 95-115, §§3(a)(3)(B), 5(b), Oct. 3, 1977, 91 Stat. 1048, 1057; Pub. L. 98-473, title II, §632, Oct. 12, 1984, 98 Stat. 2118; Pub. L. 100-690, title VII, §7261, Nov. 18, 1988, 102 Stat. 4442; Pub. L. 102-586, §2(g)(3), Nov. 4, 1992, 106 Stat. 4995.)

AMENDMENTS

1992—Pub. L. 102-586, §2(g)(3)(A), designated existing provisions as subsec. (a).

Subsec. (a)(1). Pub. L. 102-586, §2(g)(3)(B), substituted "preserve families" for "maintain the family unit".

Subsec. (a)(3), (4). Pub. L. 102-586, §2(g)(3)(D), added pars. (3) and (4). Former pars. (3) and (4) redesignated (5) and (6), respectively.

Subsec. (a)(5). Pub. L. 102-586, §2(g)(3)(D), added par. (5) relating to enhancement of States' ability to identify chronic serious and violent juvenile offenders who commit crimes.

Pub. L. 102-586, §2(g)(3)(C), redesignated par. (3), relating to evaluation of juvenile delinquency programs, as (5). Former par. (5) redesignated (7).

Subsec. (a)(6). Pub. L. 102-586, §2(g)(3)(C), redesignated par. (4) as (6). Former par. (6) redesignated (8).

¹ So in original. Probably should not be capitalized.

² So in original. Two pars. (5) have been enacted.

³ So in original. Probably should be "detering".

⁴ So in original. Probably should be "recreational activities".

⁵ So in original. The word "and" probably should not appear.

Subsec. (a)(7). Pub. L. 102-586, §2(g)(3)(C), (E), redesignated par. (5) as (7) and in subpar. (D) inserted “(including the productive use of discretionary time through organized recreational”. Former par. (7) redesignated (9).

Subsec. (a)(8) to (11). Pub. L. 102-586, §2(g)(3)(C), redesignated pars. (6) to (9) as (8) to (11), respectively.

Subsec. (a)(12) to (14). Pub. L. 102-586, §2(g)(3)(F)–(H), added pars. (12) to (14).

Subsec. (b). Pub. L. 102-586, §2(g)(3)(H), added subsec. (b).

1988—Pub. L. 100-690, §7261(1), substituted “Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention,” for “National Institute for Juvenile Justice and Delinquency Prevention”.

Par. (4). Pub. L. 100-690, §7261(2), struck out “, upon the request of the Deputy Administrator” after “program”.

Par. (5). Pub. L. 100-690, §7261(3), substituted in introductory provisions “the improvement of the juvenile justice system” for “related matters”, struck out “and” at end of subpar. (A), substituted “effectiveness of family-centered treatment programs” for “possible ameliorating roles of familial relationships” in subpar. (B), and substituted semicolon for period in subpar. (D).

Pars. (8), (9). Pub. L. 100-690, §7261(4)–(6), added pars. (8) and (9).

1984—Par. (1). Pub. L. 98-473, §632(1), inserted “which seek to strengthen and maintain the family unit or”.

Par. (4). Pub. L. 98-473, §632(2), substituted “Deputy” for “Associate”.

Par. (5). Pub. L. 98-473, §632(3), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “prepare, in cooperation with educational institutions, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and related matters, including recommendations designed to promote effective prevention and treatment, such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in one State by another State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are treated differently on the basis of sex and the ramifications of such practices”.

Par. (7). Pub. L. 98-473, §632(4), struck out “(including a periodic journal)” before “to individuals”.

1977—Par. (4). Pub. L. 95-115, §3(a)(3)(B), inserted “Associate” before “Administrator”.

Par. (5). Pub. L. 95-115, §5(b), inserted provisions relating to assessments regarding the role of family violence, etc.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

MODEL JUVENILE HANDGUN LEGISLATION

Pub. L. 103-322, title XI, §110201(e), Sept. 13, 1994, 108 Stat. 2012, provided that: “The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

“(1) evaluate existing and proposed juvenile handgun legislation in each State;

“(2) develop model juvenile handgun legislation that is constitutional and enforceable;

“(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

“(4) report to Congress by December 31, 1995, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.”

§ 5654. Technical assistance and training functions

The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention¹ is authorized to—

(1) provide technical assistance and training assistance to Federal, State, and local governments and to courts, public and private agencies, institutions, and individuals in the planning, establishment, funding, operation, and evaluation of juvenile delinquency programs;

(2) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are working with or preparing to work with juveniles, juvenile offenders (including juveniles who commit hate crimes), and their families;

(3) develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges¹ prosecutors and defense attorneys,² and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders; and

(5) provide technical assistance and training to assist States and units of local government to adopt the model standards issued under section 5614(b)(7) of this title.

(Pub. L. 93-415, title II, §244, Sept. 7, 1974, 88 Stat. 1127; Pub. L. 95-115, §5(f), Oct. 3, 1977, 91 Stat. 1057; Pub. L. 96-509, §19(k), Dec. 8, 1980, 94 Stat. 2765; Pub. L. 98-473, title II, §633, Oct. 12, 1984, 98 Stat. 2119; Pub. L. 100-690, title VII, §7262, Nov. 18, 1988, 102 Stat. 4442; Pub. L. 102-586, §2(g)(3), Nov. 4, 1992, 106 Stat. 4996; Pub. L. 105-277, div. A, §101(b) [title I, §129(a)(2)(D)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-76.)

AMENDMENTS

1998—Par. (5). Pub. L. 105-277 substituted “units of local government” for “units of general local government”.

1992—Par. (2). Pub. L. 102-586, §2(g)(3)(A), inserted “(including juveniles who commit hate crimes)” after “offenders”.

Par. (3). Pub. L. 102-586, §2(g)(3)(B)(i), inserted “prosecutors and defense attorneys,” after “judges”.

Par. (5). Pub. L. 102-586, §2(g)(3)(B)(ii), (C), (D), added par. (5).

1988—Pub. L. 100-690, §7262(1), amended section catchline generally, substituting “Technical assistance and

¹ So in original. Probably should be followed by a comma.

² So in original.

training functions” for “Training function of Institute”.

Pub. L. 100-690, §7262(2), substituted “Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention” for “National Institute for Juvenile Justice and Delinquency Prevention”.

Par. (1). Pub. L. 100-690, §7262(6), added par. (1). Former par. (1) redesignated (2).

Par. (2). Pub. L. 100-690, §7262(5), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Par. (3). Pub. L. 100-690, §7262(3)-(5), redesignated par. (2) as (3), inserted “and” at end, and struck out former par. (3) which authorized the Institute to devise and conduct a training program, in accordance with the provisions of sections 5659, 5660, and 5661 of this title, of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and organizations with specific experience in the prevention and treatment of juvenile delinquency.

1984—Par. (1). Pub. L. 98-473, §633(1), substituted “working with or” for “or who are” and “juvenile offenders, and their families” for “and juvenile offenders”.

Par. (2). Pub. L. 98-473, §633(2), substituted “workshops” for “workshop”.

Par. (3). Pub. L. 98-473, §633(3), substituted “teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and organizations with specific experience in the prevention and treatment of juvenile delinquency” for “teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations) connected with the prevention and treatment of juvenile delinquency”.

1980—Par. (3). Pub. L. 96-509 substituted “sections 248, 249, and 250” for “sections 249, 250, and 251” which for purposes of codification already had been translated as “sections 5659, 5660, and 5661 of this title”, thereby necessitating no further change in text.

1977—Par. (3). Pub. L. 95-115 inserted provisions expanding scope of lay personnel to include persons associated with law-related education programs, etc.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

§ 5655. Repealed. Pub. L. 98-473, title II, § 634, Oct. 12, 1984, 98 Stat. 2119

Section, Pub. L. 93-415, title II, §245, Sept. 7, 1974, 88 Stat. 1127; Pub. L. 95-115, §5(c), Oct. 3, 1977, 91 Stat. 1057; Pub. L. 96-509, §19(7), Dec. 8, 1980, 94 Stat. 2765, provided for the functions of the Advisory Committee.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

§§ 5656, 5657. Repealed. Pub. L. 100-690, title VII, § 7263(a)(2)(C), Nov. 18, 1988, 102 Stat. 4443

Section 5656, Pub. L. 93-415, title II, §245, formerly §246, Sept. 7, 1974, 88 Stat. 1127; Pub. L. 94-273, §2(27), Apr. 21, 1976, 90 Stat. 376; Pub. L. 95-115, §3(a)(3), (5), Oct. 3, 1977, 91 Stat. 1048, 1049; Pub. L. 96-509, §19(m), Dec. 8, 1980, 94 Stat. 2765; renumbered §245, Pub. L. 98-473, title II, §635, Oct. 12, 1984, 98 Stat. 2120, related to annual report by Deputy Administrator on programs funded under this subchapter.

Section 5657, Pub. L. 93-415, title II, §246, formerly §247, Sept. 7, 1974, 88 Stat. 1127; Pub. L. 95-115, §5(d), Oct. 3, 1977, 91 Stat. 1057; renumbered §246 and amended Pub. L. 98-473, title II, §636, Oct. 12, 1984, 98 Stat. 2120, set forth additional functions of the Institute for Juvenile Justice and Delinquency Prevention.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

§ 5658. Repealed. Pub. L. 95-115, §5(e)(1), Oct. 3, 1977, 91 Stat. 1057

Section, Pub. L. 93-415, title II, §248, Sept. 7, 1974, 88 Stat. 1128, set forth provisions relating to restrictions on disclosure and transfer of juvenile records. See section 5639 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as an Effective Date of 1977 Amendment note under section 5601 of this title.

§ 5659. Training program; establishment; purpose; utilization of State and local facilities, personnel, etc.; enrollees

(a) The Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency, including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles. In carrying out this program the Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

(b) Enrollees in the training program established under this section shall be drawn from law enforcement and correctional personnel (including volunteer lay personnel), teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.

(Pub. L. 93-415, title II, §245, formerly §249, Sept. 7, 1974, 88 Stat. 1128; renumbered §248 and amended Pub. L. 95-115, §§3(a)(3)(B), 5(e)(1), (f), Oct. 3, 1977, 91 Stat. 1048, 1057; Pub. L. 96-509, §19(n), Dec. 8, 1980, 94 Stat. 2765; renumbered §247 and amended Pub. L. 98-473, title II, §637, Oct. 12, 1984, 98 Stat. 2120; renumbered §245, Pub. L. 100-690, title VII, §7263(a)(2)(E), Nov. 18, 1988, 102 Stat. 4443; Pub. L. 102-586, §2(g)(4), Nov. 4, 1992, 106 Stat. 4996.)

PRIOR PROVISIONS

A prior section 245 of Pub. L. 93-415 was classified to section 5656 of this title prior to repeal by Pub. L.

100-690, title VII, §7263(a)(2)(C), Nov. 18, 1988, 102 Stat. 4443.

Another prior section 245 of Pub. L. 93-415 was classified to section 5655 of this title prior to repeal by Pub. L. 98-473, title II, §634, Oct. 12, 1984, 98 Stat. 2119.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-586 inserted before period at end of first sentence “, including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles”.

1984—Subsec. (b). Pub. L. 98-473, §637(a), substituted “law enforcement and correctional personnel (including volunteer lay personnel), teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency” for “correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations) connected with the prevention and treatment of juvenile delinquency”.

1980—Subsec. (a). Pub. L. 96-509 substituted “Administrator” for “Associate Administrator”.

1977—Subsec. (a). Pub. L. 95-115, §3(a)(3)(B), inserted “Associate” before “Administrator” wherever appearing.

Subsec. (b). Pub. L. 95-115, §5(f), inserted provisions expanding scope of lay personnel to include persons associated with law-related education programs, etc.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5660, 5661 of this title.

§ 5660. Curriculum for training program

The Administrator shall design and supervise a curriculum for the training program established by section 5659 of this title which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program and shall include training designed to prevent juveniles from committing hate crimes.

(Pub. L. 93-415, title II, §246, formerly §250, Sept. 7, 1974, 88 Stat. 1128; renumbered §249 and amended Pub. L. 95-115, §§3(a)(3)(B), 5(e)(1), (2)(A), Oct. 3, 1977, 91 Stat. 1048, 1057; Pub. L. 96-509, §19(o), Dec. 8, 1980, 94 Stat. 2765; renumbered §248 Pub. L. 98-473, title II, §638, Oct. 12, 1984, 98 Stat. 2120; renumbered §246 and amended Pub. L. 100-690, title VII, §7263(a)(2)(E), (b)(2), Nov. 18, 1988, 102 Stat. 4443, 4447; Pub. L. 102-586, §2(g)(5), Nov. 4, 1992, 106 Stat. 4996.)

PRIOR PROVISIONS

A prior section 246 of Pub. L. 93-415 was classified to section 5657 of this title prior to repeal by Pub. L.

100-690, title VII, §7263(a)(2)(C), Nov. 18, 1988, 102 Stat. 4443.

Another prior section 246 of Pub. L. 93-415 was renumbered section 245 and classified to section 5656 of this title, prior to repeal by Pub. L. 100-690, title VII, §7263(a)(2)(C), Nov. 18, 1988, 102 Stat. 4443.

AMENDMENTS

1992—Pub. L. 102-586 inserted before period at end “and shall include training designed to prevent juveniles from committing hate crimes”.

1988—Pub. L. 100-690, §7263(b)(2), made technical amendment to reference to section 5659 of this title to reflect renumbering of corresponding section of original act.

1980—Pub. L. 96-509 substituted “Administrator” for “Associate Administrator”.

1977—Pub. L. 95-115 inserted “Associate” before “Administrator” and substituted “section 248” for “section 249” which for purposes of codification had already been translated as “section 5659 of this title”, thereby necessitating no further change in text.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

§ 5661. Participation in training program and State advisory group conferences

(a) Application

Any person seeking to enroll in the training program established under section 5659 of this title shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe.

(b) Admittance; determination by Secretary

The Administrator shall make the final determination with respect to the admittance of any person to the training program. The Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 5659(b) of this title.

(c) Travel expenses and per diem allowance

While participating as a trainee in the program established under section 5659 of this title or while participating in any conference held under section 5651(f) of this title, and while traveling in connection with such participation, each person so participating shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5. No consultation fee may be paid to such person for such participation.

(Pub. L. 93-415, title II, §247, formerly §251, Sept. 7, 1974, 88 Stat. 1128; renumbered §250 and amended Pub. L. 95-115, §§3(a)(3)(B), 5(e)(1), (2)(B), Oct. 3, 1977, 91 Stat. 1048, 1057; Pub. L. 96-509, §19(p), Dec. 8, 1980, 94 Stat. 2765; renumbered §249 and amended Pub. L. 98-473, title II, §639, Oct. 12, 1984, 98 Stat. 2120; renumbered §247 and amended Pub. L. 100-690, title VII, §7263(a)(2)(D), (E), Nov. 18, 1988, 102 Stat. 4443.)

PRIOR PROVISIONS

A prior section 247 of Pub. L. 93-415 was renumbered section 245 and is classified to section 5659 of this title.

Another prior section 247 of Pub. L. 93-415 was renumbered section 246 and classified to section 5657 of this title, prior to repeal by Pub. L. 100-690, title VII, § 7263(a)(2)(C), Nov. 18, 1988, 102 Stat. 4443.

AMENDMENTS

1988—Pub. L. 100-690, § 7263(a)(2)(D), made technical amendment to references to section 5659 of this title to reflect renumbering of corresponding section of original act.

1984—Subsec. (c). Pub. L. 98-473, § 639(b), in amending subsec. (c) generally, struck out references to the National Institute of Juvenile Justice and Delinquency Prevention, substituted provisions relating to travel expenses of participants of the trainee program and conferences for provisions relating to such expenses while studying, and inserted “No consultation fee may be paid to such person for such participation.”

1980—Subsec. (a). Pub. L. 96-509, § 19(p)(1), substituted “Administrator” for “Associate Administrator” in two places.

Subsec. (b). Pub. L. 96-509, § 19(p)(2), substituted “Administrator” for “Associate Administrator” in two places.

Subsec. (c). Pub. L. 96-509, § 19(p)(3), substituted “section 5703” for “section 5703(b)”.

1977—Subsec. (a). Pub. L. 95-115, §§ 3(a)(3)(B), 5(e)(2)(B), inserted “Associate” before “Administrator” wherever appearing and substituted “section 248” for “section 249” which for purposes of codification had been translated already as “section 5659 of this title” thereby necessitating no further change in text.

Subsec. (b). Pub. L. 95-115, §§ 3(a)(3)(B), 5(e)(2)(B), inserted “Associate” before “Administrator” wherever appearing and substituted “section 248(b)” for “section 249(b)” which for purposes of codification already had been translated as “section 5659(b) of this title”, thereby necessitating no further change in text.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

§ 5662. Special studies and reports**(a) Pursuant to 1988 amendments**

(1) Not later than 1 year after November 18, 1988, the Administrator shall begin to conduct a study with respect to the juvenile justice system—

(A) to review—

(i) conditions in detention and correctional facilities for juveniles; and

(ii) the extent to which such facilities meet recognized national professional standards; and

(B) to make recommendations to improve conditions in such facilities.

(2)(A) Not later than 1 year after November 18, 1988, the Administrator shall begin to conduct a study to determine—

(i) how juveniles who are American Indians and Alaskan Natives and who are accused of committing offenses on and near Indian reservations and Alaskan Native villages, respectively, are treated under the systems of justice administered by Indian tribes and Alaskan Native organizations, respectively, that perform law enforcement functions;

(ii) the amount of financial resources (including financial assistance provided by governmental entities) available to Indian tribes and Alaskan Native organizations that perform law enforcement functions, to support community-based alternatives to incarcerating juveniles; and

(iii) the extent to which such tribes and organizations comply with the requirements specified in paragraphs (12)(A), (13), and (14) of section 5633(a) of this title, applicable to the detention and confinement of juveniles.

(B)(i) for¹ purposes of section 450e(b) of title 25, any contract, subcontract, grant, or subgrant made under paragraph (1) shall be deemed to be a contract, subcontract, grant, or subgrant made for the benefit of Indians.

(ii) for¹ purposes of section 450e(b) of title 25 and subparagraph (A) of this paragraph, references to Indians and Indian organizations shall be deemed to include Alaskan Natives and Alaskan Native organizations, respectively.

(3) Not later than 3 years after November 18, 1988, the Administrator shall submit a report to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results, of the study conducted under paragraph (1) or (2), as the case may be.

(b) Pursuant to 1992 amendments

(1) Not later than 1 year after November 4, 1992, the Comptroller General shall—

(A) conduct a study with respect to juveniles waived to adult court that reviews—

(i) the frequency and extent to which juveniles have been transferred, certified, or waived to criminal court for prosecution during the 5-year period ending December 1992;

(ii) conditions of confinement in adult detention and correctional facilities for juveniles waived to adult court; and

(iii) sentencing patterns, comparing juveniles waived to adult court with juveniles who have committed similar offenses but have not been waived; and

(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report (including a compilation of State waiver statutes) on the findings made in the study and recommendations to improve conditions for juveniles waived to adult court.

(2) Not later than 1 year after November 4, 1992, the Comptroller General shall—

(A) conduct a study with respect to admissions of juveniles for behavior disorders to private psychiatric hospitals, and to other resi-

¹ So in original. Probably should be capitalized.

dential and nonresidential programs that serve juveniles admitted for behavior disorders, that reviews—

(i) the frequency with which juveniles have been admitted to such hospitals and programs during the 5-year period ending December 1992; and

(ii) conditions of confinement, the average length of stay, and methods of payment for the residential care of such juveniles; and

(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve procedural protections and conditions for juveniles with behavior disorders admitted to such hospitals and programs.

(3) Not later than 1 year after November 4, 1992, the Comptroller General shall—

(A) conduct a study of gender bias within State juvenile justice systems that reviews—

(i) the frequency with which females have been detained for status offenses (such as frequently running away, truancy, and sexual activity), as compared with the frequency with which males have been detained for such offenses during the 5-year period ending December 1992; and

(ii) the appropriateness of the placement and conditions of confinement for females; and

(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to combat gender bias in juvenile justice and provide appropriate services for females who enter the juvenile justice system.

(4) Not later than 1 year after November 4, 1992, the Comptroller General shall—

(A) conduct a study of the Native American pass-through grant program authorized under section 5633(a)(5)(C) of this title that reviews the cost-effectiveness of the funding formula utilized; and

(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve the Native American pass-through grant program.

(5) Not later than 1 year after November 4, 1992, the Comptroller General shall—

(A) conduct a study of access to counsel in juvenile court proceedings that reviews—

(i) the frequency with which and the extent to which juveniles in juvenile court proceedings either have waived counsel or have obtained access to counsel during the 5-year period ending December 1992; and

(ii) a comparison of access to and the quality of counsel afforded juveniles charged in adult court proceedings with those of juveniles charged in juvenile court proceedings; and

(B) submit to Committee on Education and Labor of the House of Representatives and the

Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve access to counsel for juveniles in juvenile court proceedings.

(6)(A) Not later than 180 days after November 4, 1992, the Administrator shall begin to conduct a study and continue any pending study of the incidence of violence committed by or against juveniles in urban and rural areas in the United States.

(B) The urban areas shall include—

(i) the District of Columbia;

(ii) Los Angeles, California;

(iii) Milwaukee, Wisconsin;

(iv) Denver, Colorado;

(v) Pittsburgh, Pennsylvania;

(vi) Rochester, New York; and

(vii) such other cities as the Administrator determines to be appropriate.

(C) At least one rural area shall be included.

(D) With respect to each urban and rural area included in the study, the objectives of the study shall be—

(i) to identify characteristics and patterns of behavior of juveniles who are at risk of becoming violent or victims of homicide;

(ii) to identify factors particularly indigenous to such area that contribute to violence committed by or against juveniles;

(iii) to determine the accessibility of firearms, and the use of firearms by or against juveniles;

(iv) to determine the conditions that cause any increase in violence committed by or against juveniles;

(v) to identify existing and new diversion, prevention, and control programs to ameliorate such conditions;

(vi) to improve current systems to prevent and control violence by or against juveniles; and

(vii) to develop a plan to assist State and local governments to establish viable ways to reduce homicide committed by or against juveniles.

(E) Not later than 3 years after November 4, 1992, the Administrator shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate detailing the results of the study addressing each objective specified in subparagraph (D).

(7)(A) Not later than 1 year after November 4, 1992, the Administrator shall—

(i) conduct a study described in subparagraph (B); and

(ii) submit to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate the results of the study.

(B) The study required by subparagraph (A) shall assess—

(i) the characteristics of juveniles who commit hate crimes, including a profile of such juveniles based on—

(I) the motives for committing hate crimes;

(II) the age, sex, race, ethnicity, education level, locality, and family income of such juveniles; and

(III) whether such juveniles are familiar with publications or organized groups that encourage the commission of hate crimes;

(ii) the characteristics of hate crimes committed by juveniles, including—

(I) the types of hate crimes committed;

(II) the frequency with which institutions and natural persons, separately determined, were the targets of such crimes;

(III) the number of persons who participated with juveniles in committing such crimes;

(IV) the types of law enforcement investigations conducted with respect to such crimes;

(V) the law enforcement proceedings commenced against juveniles for committing hate crimes; and

(VI) the penalties imposed on such juveniles as a result of such proceedings; and

(iii) the characteristics of the victims of hate crimes committed by juveniles, including—

(I) the age, sex, race, ethnicity, locality of the victims and their familiarity with the offender; and

(II) the motivation behind the attack.

(Pub. L. 93-415, title II, §248, as added Pub. L. 100-690, title VII, §7264, Nov. 18, 1988, 102 Stat. 4447; amended Pub. L. 102-586, §2(g)(6), Nov. 4, 1992, 106 Stat. 4997.)

PRIOR PROVISIONS

A prior section 248 of Pub. L. 93-415 was renumbered section 246 and is classified to section 5660 of this title.

Another prior section 248 of Pub. L. 93-415 was classified to section 5658 of this title prior to repeal by Pub. L. 95-115, §5(e)(1), Oct. 3, 1977, 91 Stat. 1057.

Another prior section 248 of Pub. L. 93-415 was renumbered section 245 and is classified to section 5659 of this title.

AMENDMENTS

1992—Pub. L. 102-586 designated existing provisions as subsec. (a) and inserted heading, redesignated former subsec. (a) as subsec. (a)(1), redesignated former subsec. (a)(1) and its subpars. (A) and (B) as subsec. (a)(1)(A) and cls. (i) and (ii), respectively, redesignated former subsec. (a)(2) as subsec. (a)(1)(B), redesignated subsec. (b)(1) and its subpars. (A) to (C) as subsec. (a)(2)(A) and cls. (i) to (iii), respectively, redesignated subsec. (b)(2) and its subpars. (A) and (B) as subsec. (a)(2)(B) and cls. (i) and (ii), respectively, redesignated subsec. (c) as subsec. (a)(3) and substituted “paragraph (1) or (2)” for “subsection (a) or (b) of this section”, and added subsec. (b). Pub. L. 102-586, §2(g)(6)(J), which directed substitution of “(B)(i) for purposes” for “(2)(A) for purposes”, was executed, as indicated previously, by making the substitution for “(2)(A) For purposes” to reflect the intent of Congress to redesignate subsec. (b)(2)(A) as subsec. (a)(2)(B)(i).

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

EFFECTIVE DATE

Section effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

SUBPART II—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

AMENDMENTS

1988—Pub. L. 100-690, title VII, §7263(a)(2)(F), Nov. 18, 1988, 102 Stat. 4443, added subpart heading.

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in section 5671 of this title.

§ 5665. Authority to make grants and contracts

(a) Purposes of grants and contracts

Except as provided in subsection (f) of this section, the Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals¹ provide for each of the following during each fiscal year:

(1) Establishing or maintaining community-based alternatives (including home-based treatment programs) to traditional forms of institutionalization of juvenile offenders.

(2) Establishing or implementing effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution and reconciliation projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents.

(3) Establishing or supporting advocacy programs and services that encourage the improvement of due process available to juveniles in the juvenile justice system and the quality of legal representation for such juveniles.

(4) Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles affected by the juvenile justice system, including services that provide for the appointment of special advocates by courts for such juveniles.

(5) Developing or supporting model programs (including self-help programs for parents) to strengthen and maintain the family unit in order to prevent or treat juvenile delinquency, including programs that work with families during the incarceration of juvenile family members and which take into consideration the special needs of families with limited-English speaking ability.

(6) Establishing or implementing special emphasis prevention and treatment programs relating to juveniles who commit serious crimes (including such crimes committed in schools), including programs designed to deter involvement in illegal activities or to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of juveniles.

(7) Developing or implementing further a coordinated, national law-related education program of—

¹ So in original. Probably should be followed by a comma.

(A) delinquency prevention in elementary and secondary schools, and other local sites;

(B) training for persons responsible for the implementation of law-related education programs; and

(C) disseminating information regarding model, innovative, law-related education programs to juvenile delinquency programs, including those that are community based, and to law enforcement and criminal justice agencies for activities related to juveniles,

that targets juveniles who have had contact with the juvenile justice system or who are likely to have contact with the system.

(8) Addressing efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.

(9) Establishing or supporting programs designed to prevent and to reduce the incidence of hate crimes by juveniles, including—

(A) model educational programs that are designed to reduce the incidence of hate crimes by means such as—

(i) addressing the specific prejudicial attitude of each offender;

(ii) developing an awareness in the offender of the effect of the hate crime on the victim; and

(iii) educating the offender about the importance of tolerance in our society; and

(B) sentencing programs that are designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration.

(b) Development and implementation of new approaches, techniques, and methods

Except as provided in subsection (f) of this section, the Administrator is authorized, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, to develop and implement new approaches, techniques, and methods designed to—

(1) improve the capability of public and private agencies and organizations to provide services for delinquents and other juveniles to help prevent juvenile delinquency;

(2) develop and implement, in coordination with the Secretary of Education, model programs and methods to keep students in elementary and secondary schools, to assist in identifying learning difficulties (including learning disabilities), to prevent unwarranted and arbitrary suspensions and expulsions, and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

(3) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies, organizations, business, and industry, programs for the employment of juveniles;

(4) develop and support programs designed to encourage and assist State legislatures to consider and establish policies consistent with

this subchapter, both by amending State laws, if necessary, and devoting greater resources to effectuate such policies;

(5) develop and implement programs relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement personnel² community service personnel, and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles;

(6) develop statewide programs through the use of subsidies or other financial incentives designed to—

(A) remove juveniles from jails and lockups for adults;

(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

(C) establish and adopt, based upon the recommendations of the National Advisory Committee for Juvenile Justice and Delinquency Prevention made before October 12, 1984, standards for the improvement of juvenile justice within each State involved; and

(7) develop and implement model programs, relating to the special education needs of delinquent and other juveniles, which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies.

(c) Private nonprofit agencies, organizations, and institutions with experience in dealing with juveniles

Not less than 30 percent of the funds available for grants and contracts under this section shall be available for grants to and contracts with private nonprofit agencies, organizations, and institutions which have experience in dealing with juveniles.

(d) Female, minority, and disadvantaged juveniles

Assistance provided under this section shall be available on an equitable basis to deal with female, minority, and disadvantaged juveniles, including juveniles who are mentally, emotionally, or physically handicapped.

(e) Special needs and problems of juvenile delinquency in certain areas

Not less than 5 percent of the funds available for grants and contracts under this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(f) Grants or contracts to Department of Justice

The Administrator shall not make a grant or a contract under subsection (a) or (b) of this section to the Department of Justice or to any administrative unit or other entity that is part of the Department of Justice.

(Pub. L. 93-415, title II, §261, as added Pub. L. 100-690, title VII, §7263(a)(2)(F), Nov. 18, 1988, 102

² So in original. Probably should be followed by a comma.

Stat. 4443; amended Pub. L. 102-586, §2(g)(7), Nov. 4, 1992, 106 Stat. 5000.)

PRIOR PROVISIONS

A prior section 261 of Pub. L. 93-415 was renumbered section 299 and is classified to section 5671 of this title.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-586, §2(g)(7)(A)(i), substituted “Except as provided in subsection (f) of this section, the” for “The” in introductory provisions.

Subsec. (a)(1). Pub. L. 102-586, §2(g)(7)(A)(ii), inserted “(including home-based treatment programs)” after “programs”.

Subsec. (a)(3). Pub. L. 102-586, §2(g)(7)(A)(iii), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles impacted by the juvenile justice system, including services which encourage the improvement of due process available to juveniles in the juvenile justice system, which improve the quality of legal representation of such juveniles, and which provide for the appointment of special advocates by courts for such juveniles.”

Subsec. (a)(4). Pub. L. 102-586, §2(g)(7)(A)(v), added par. (4). Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 102-586, §2(g)(7)(A)(vi), which directed amendment of par. (4), as redesignated by section 2(g)(7)(A)(iv) of Pub. L. 102-586, by inserting “(including self-help programs for parents)” after “programs” and by inserting “, including programs that work with families during the incarceration of juvenile family members and which take into consideration the special needs of families with limited-English speaking ability” before period at end, was executed by making the insertions in par. (5) to reflect the probable intent of Congress, because par. (4) was redesignated as par. (5) by section 2(g)(7)(A)(iv) and no par. was redesignated as par. (4) by Pub. L. 102-586. See below.

Pub. L. 102-586, §2(g)(7)(A)(iv), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (a)(6). Pub. L. 102-586, §2(g)(7)(A)(iv), redesignated par. (5) as (6). Former par. (6) redesignated (7).

Subsec. (a)(7). Pub. L. 102-586, §2(g)(7)(A)(iv), (vii), redesignated par. (6) as (7), substituted comma for period at end of subpar. (C), and inserted at end “, that targets juveniles who have had contact with the juvenile justice system or who are likely to have contact with the system.”. Former par. (7) redesignated (8).

Subsec. (a)(8). Pub. L. 102-586, §2(g)(7)(A)(iv), redesignated par. (7) as (8).

Subsec. (a)(9). Pub. L. 102-586, §2(g)(7)(A)(viii), added par. (9).

Subsec. (b). Pub. L. 102-586, §2(g)(7)(C)(i), substituted “Except as provided in subsection (f) of this section, the” for “The” in introductory provisions.

Subsec. (b)(2). Pub. L. 102-586, §2(g)(7)(C)(ii), inserted “to assist in identifying learning difficulties (including learning disabilities),” after “schools.”.

Subsec. (b)(5). Pub. L. 102-586, §2(g)(7)(B), which directed insertion of “community service personnel,” after “law enforcement personnel,” was executed by making insertion after “law enforcement personnel” to reflect the probable intent of Congress because there was no comma following “law enforcement personnel”.

Subsec. (f). Pub. L. 102-586, §2(g)(7)(D), added subsec. (f).

EFFECTIVE DATE

Section effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5651, 5671, 5674, 5675 of this title.

§ 5665a. Considerations for approval of applications

(a) In general

Any agency, institution, or individual desiring to receive a grant, or enter into a contract, under this part shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

(b) Contents of application

In accordance with guidelines established by the Administrator, each application for assistance under this part shall—

(1) set forth a program for carrying out one or more of the purposes set forth in this part and specifically identify each such purpose such program is designed to carry out;

(2) provide that such program shall be administered by or under the supervision of the applicant;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of such program;

(5) certify that the applicant has requested the State planning agency and local agency designated in section 5633 of this title, if any, to review and comment on such application and indicate the responses of such State planning agency and local agency to such request;

(6) attach a copy of the responses of such State planning agency and local agency to such request;

(7) provide that regular reports on such program shall be sent to the Administrator and to such State planning agency and local agency; and

(8) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subchapter.

(c) Factors considered

In determining whether or not to approve applications for grants and for contracts under this part, the Administrator shall consider—

(1) the relative cost and effectiveness of the proposed program in carrying out this part;

(2) the extent to which such program will incorporate new or innovative techniques;

(3) if a State plan has been approved by the Administrator under section 5633(c) of this title, the extent to which such program meets the objectives and priorities of the State plan, taking into consideration the location and scope of such program;

(4) the increase in capacity of the public and private agency, institution, or individual involved to provide services to address juvenile delinquency and juvenile delinquency prevention;

(5) the extent to which such program serves communities which have high rates of juvenile unemployment, school dropout, and delinquency; and

(6) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than 40,000 located within States which have no city with a population over 250,000.

(d) Competitive selection process; review of proposed programs; expedited consideration of proposed programs

(1)(A) Programs selected for assistance through grants or contracts under this part (other than section 5651(f) of this title) shall be selected through a competitive process to be established by rule by the Administrator. As part of such a process, the Administrator shall announce in the Federal Register—

(i) the availability of funds for such assistance;

(ii) the general criteria applicable to the selection of applicants to receive such assistance; and

(iii) a description of the procedures applicable to submitting and reviewing applications for such assistance.

(B) The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination waiving the competitive process—

(i) with respect to programs to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists; or

(ii) with respect to a particular program described in this part that is uniquely qualified.

(2)(A) Programs selected for assistance through grants or contracts under this part (other than section 5651(f) of this title) shall be reviewed before selection, and thereafter as appropriate, through a formal peer review process utilizing experts (other than officers and employees of the Department of Justice) in fields related to the subject matter of the proposed program.

(B) Such process shall be established by the Administrator in consultation with the Directors and other appropriate officials of the National Science Foundation and the National Institute of Mental Health. Before implementation of such process, the Administrator shall submit such process to such Directors, each of whom shall prepare and furnish to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

(3) The Administrator, in establishing the processes required under paragraphs (1) and (2), shall provide for emergency expedited consideration of the proposed programs if necessary to avoid any delay which would preclude carrying out such programs.

(e) City population not basis for denial

A city shall not be denied assistance under this part solely on the basis of its population.

(f) Transmission of notification to Committee chairmen

Notification of grants and contracts made under this part (and the applications submitted

for such grants and contracts) shall, upon being made, be transmitted by the Administrator,¹ to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate.

(Pub. L. 93-415, title II, §262, as added Pub. L. 100-690, title VII, §7263(a)(2)(F), Nov. 18, 1988, 102 Stat. 4445; amended Pub. L. 102-586, §2(h), Nov. 4, 1992, 106 Stat. 5001.)

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (d)(1)(B)(i), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§5121 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

PRIOR PROVISIONS

A prior section 262 of Pub. L. 93-415 was renumbered section 299A and is classified to section 5672 of this title.

AMENDMENTS

1992—Subsec. (d)(1)(B). Pub. L. 102-586, §2(h)(1), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination that—

“(i)(I) the proposed program is not within the scope of any announcement issued, or expected to be issued, by the Administrator regarding the availability of funds to carry out programs under this part, but can be supported by a grant or contract in accordance with this part; and

“(II) such program is of such outstanding merit, as determined through peer review conducted under paragraph (2), that the award of a grant or contract without competition is justified; or

“(ii) the applicant is uniquely qualified to provide proposed training services as provided in section 5654 of this title and other qualified sources are not capable of providing such services, and includes in such determination the factual and other bases thereof.”

Subsec. (d)(1)(C). Pub. L. 102-586, §2(h)(2), struck out subpar. (C) which read as follows: “If a program is selected for assistance without competition pursuant to the exception provided in subparagraph (B), the Administrator shall promptly so notify the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate. Such notification shall include copies of the Administrator’s determination made under such subparagraph and the peer review determination required by paragraph (2).”

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

EFFECTIVE DATE

Section effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

¹ So in original. The comma probably should not appear.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5667d-2, 5671, 13002, 13003, 13013, 13023 of this title.

PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

AMENDMENTS

1992—Pub. L. 102-586, §2(i), Nov. 4, 1992, 106 Stat. 5001, amended part D heading generally. Prior to amendment, part D heading read as follows: "PREVENTION AND TREATMENT PROGRAMS RELATING TO JUVENILE GANGS AND DRUG ABUSE AND DRUG TRAFFICKING".

1988—Pub. L. 100-690, title VII, §7267, Nov. 18, 1988, 102 Stat. 4451, added part D heading set out above. Former part D heading set out preceding section 5671 of this title, redesignated part E.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 5614, 5617, 5632, 5671 of this title.

SUBPART I—GANG-FREE SCHOOLS AND COMMUNITIES

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in section 5671 of this title.

§ 5667. Authority to make grants and contracts

(a) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

(1) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

(A) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

(B) education and social services designed to address the social and developmental needs of juveniles which such juveniles would otherwise seek to have met through membership in gangs;

(C) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

(D) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

(E) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

(2) To develop within the juvenile judiciary and correctional systems new and innova-

tive means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

(3) To target elementary school students, with the purpose of steering students away from gang involvement.

(4) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

(5) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

(6) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools which will assist such schools in maintaining a safe environment conducive to learning.

(7) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

(8) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances¹ analogues (as defined in paragraphs (6) and (32) of section 802 of title 21² by juveniles, provided through State and local health and social services agencies.

(9) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

(10) To provide services authorized in this section at a special location in a school or housing project.

(11) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

(b) From not more than 15 percent of the amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

(1) to conduct research on issues related to juvenile gangs;

(2) to evaluate the effectiveness of programs and activities funded under subsection (a) of this section; and

(3) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this subpart.

(Pub. L. 93-415, title II, §281, as added Pub. L. 102-586, §2(i), Nov. 4, 1992, 106 Stat. 5001.)

¹ So in original. Probably should be "substance".

² So in original. Probably should be followed by a closing parenthesis.

PRIOR PROVISIONS

A prior section 5667, Pub. L. 93-415, title II, §281, as added Pub. L. 100-690, title VII, §7267, Nov. 18, 1988, 102 Stat. 4451, authorized Administrator to make grants and contracts for prevention and treatment programs relating to juvenile gangs, drug abuse, and drug trafficking, prior to the general amendment of this part by Pub. L. 102-586.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5667-1 of this title.

§ 5667-1. Approval of applications**(a) Submission of applications**

Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

(b) Contents of application

In accordance with guidelines established by the Administrator, each application submitted under subsection (a) of this section shall—

- (1) set forth a program or activity for carrying out one or more of the purposes specified in section 5667 of this title and specifically identify each such purpose such program or activity is designed to carry out;
- (2) provide that such program or activity shall be administered by or under the supervision of the applicant;
- (3) provide for the proper and efficient administration of such program or activity;
- (4) provide for regular evaluation of such program or activity;
- (5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;
- (6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts¹ B or C of this subchapter, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801-11805);
- (7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes² the responses of such State planning agency to such request;
- (8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and
- (9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

(c) Priority

In reviewing applications for grants and contracts under section 5667(a) of this title, the Administrator shall give priority to applications—

- (1) submitted by, or substantially involving, local educational agencies (as defined in section 2891³ of title 20);

(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

(3) for assistance for programs and activities that—

- (A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and
- (B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

(Pub. L. 93-415, title II, §281A, as added Pub. L. 102-586, §2(i), Nov. 4, 1992, 106 Stat. 5003.)

REFERENCES IN TEXT

The Anti-Drug Abuse Act of 1988, referred to in subsec. (b)(6), is Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4181, as amended. Chapter 1 of subtitle B of title III of the Act is classified generally to subchapter I (§11801 et seq.) of chapter 123 of this title. For complete classification of this Act to the Code, see Short Title note set out under former section 1501 of Title 21, Food and Drugs, and Tables.

Section 2891 of title 20, referred to in subsec. (c)(1), was in the original “section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891)”, Pub. L. 89-10, and was omitted in the general amendment of that Act by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3519. See section 8801 of Title 20, Education.

SUBPART II—COMMUNITY-BASED GANG INTERVENTION

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in section 5671 of this title.

§ 5667a. Authority to make grants and contracts

(a) The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

- (1) to reduce the participation of juveniles in the illegal activities of gangs;
- (2) to develop regional task forces involving State, local, and community-based organizations to coordinate enforcement, intervention, and treatment efforts for juvenile gang members and to curtail interstate activities of gangs; and
- (3) to facilitate coordination and cooperation among—

- (A) local education, juvenile justice, employment, and social service agencies; and
- (B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

- (A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between tradi-

¹ So in original. Probably should be “part”.

² So in original. Probably should be “summarize”.

³ See References in Text note below.

tional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

(B) assist in the provision by the provision¹ by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

(b) Programs and activities for which grants and contracts are to be made under subsection (a) of this section may include—

(1) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

(2) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

(3) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

(4) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 802 of title 21² by juveniles, provided through State and local health and social services agencies;

(5) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

(6) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

(Pub. L. 93-415, title II, § 282, as added Pub. L. 102-586, § 2(i), Nov. 4, 1992, 106 Stat. 5004.)

PRIOR PROVISIONS

A prior section 5667a, Pub. L. 93-415, title II, § 282, as added Pub. L. 100-690, title VII, § 7267, Nov. 18, 1988, 102 Stat. 4451, related to approval of applications for grants and contracts, prior to the general amendment of this part by Pub. L. 102-586.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5667a-1 of this title.

§ 5667a-1. Approval of applications

(a) Submission of applications

Any agency, organization, or institution desiring to receive a grant, or to enter into a con-

tract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

(b) Contents of application

In accordance with guidelines established by the Administrator, each application submitted under subsection (a) of this section shall—

(1) set forth a program or activity for carrying out one or more of the purposes specified in section 5667a of this title and specifically identify each such purpose such program or activity is designed to carry out;

(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

(3) provide for the proper and efficient administration of such program or activity;

(4) provide for regular evaluation of such program or activity;

(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts¹ B or C of this subchapter, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801-11805);

(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes² the responses of such State planning agency to such request;

(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

(c) Priority

In reviewing applications for grants and contracts under section 5667c(a) of this title, the Administrator shall give priority to applications—

(1) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

(3) for assistance for programs and activities that—

(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

¹ So in original. The words “by the provision” probably should not appear.

² So in original. Probably should be followed by a closing parenthesis.

¹ So in original. Probably should be “part”.

² So in original. Probably should be “summarize”.

(Pub. L. 93-415, title II, §282A, as added Pub. L. 102-586, §2(i), Nov. 4, 1992, 106 Stat. 5005.)

REFERENCES IN TEXT

The Anti-Drug Abuse Act of 1988, referred to in subsec. (b)(6), is Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4181, as amended. Chapter 1 of subtitle B of title III of the Act is classified generally to subchapter I (§11801 et seq.) of chapter 123 of this title. For complete classification of this Act to the Code, see Short Title note set out under former section 1501 of Title 21, Food and Drugs, and Tables.

SUBPART III—GENERAL PROVISIONS

§ 5667b. “Juvenile” defined

For purposes of this part, the term “juvenile” means an individual who is less than 22 years of age.

(Pub. L. 93-415, title II, §283, as added Pub. L. 102-586, §2(i), Nov. 4, 1992, 106 Stat. 5006.)

PART E—STATE CHALLENGE ACTIVITIES

AMENDMENTS

1992—Pub. L. 102-586, §2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5006, added part E heading set out above. Former part E heading set out preceding section 5671 of this title, redesignated part I and classified to part J of this subchapter.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 5632, 5633, 5671 of this title.

§ 5667c. Establishment of program

(a) In general

The Administrator may make a grant to a State that receives an allocation under section 5632 of this title, in the amount of 10 percent of the amount of the allocation, for each challenge activity in which the State participates for the purpose of funding the activity.

(b) Definitions

For purposes of this part—

(1) the term “case review system” means a procedure for ensuring that—

(A) each youth has a case plan, based on the use of objective criteria for determining a youth’s danger to the community or himself or herself, that is designed to achieve appropriate placement in the least restrictive and most family-like setting available in close proximity to the parents’ home, consistent with the best interests and special needs of the youth;

(B) the status of each youth is reviewed periodically but not less frequently than once every 3 months, by a court or by administrative review, in order to determine the continuing necessity for and appropriateness of the placement;

(C) with respect to each youth, procedural safeguards will be applied to ensure that a dispositional hearing is held to consider the future status of each youth under State supervision, in a juvenile or family court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not later than 12 months after the

original placement of the youth and periodically thereafter during the continuation of out-of-home placement; and

(D) a youth’s health, mental health, and education record is reviewed and updated periodically; and

(2) the term “challenge activity” means a program maintained for 1 of the following purposes:

(A) Developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in the juvenile justice system as specified in standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention prior to October 12, 1984.

(B) Developing and adopting policies and programs to provide access to counsel for all juveniles in the justice system to ensure that juveniles consult with counsel before waiving the right to counsel.

(C) Increasing community-based alternatives to incarceration by establishing programs (such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, and electronic monitoring) and developing and adopting a set of objective criteria for the appropriate placement of juveniles in detention and secure confinement.

(D) Developing and adopting policies and programs to provide secure settings for the placement of violent juvenile offenders by closing down traditional training schools and replacing them with secure settings with capacities of no more than 50 violent juvenile offenders with ratios of staff to youth great enough to ensure adequate supervision and treatment.

(E) Developing and adopting policies to prohibit gender bias in placement and treatment and establishing programs to ensure that female youth have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, self defense instruction, education in parenting, education in general, and other training and vocational services.

(F) Establishing and operating, either directly or by contract or arrangement with a public agency or other appropriate private nonprofit organization (other than an agency or organization that is responsible for licensing or certifying out-of-home care services for youth), a State ombudsman office for children, youth, and families to investigate and resolve complaints relating to action, inaction, or decisions of providers of out-of-home care to children and youth (including secure detention and correctional facilities, residential care facilities, public agencies, and social service agencies) that may adversely affect the health, safety, welfare, or rights of resident children and youth.

(G) Developing and adopting policies and programs designed to remove, where appropriate, status offenders from the jurisdiction of the juvenile court to prevent the placement in secure detention facilities or secure

correctional facilities of juveniles who are nonoffenders or who are charged with or who have committed offenses that would not be criminal if committed by an adult.

(H) Developing and adopting policies and programs designed to serve as alternatives to suspension and expulsion from school.

(I) Increasing aftercare services for juveniles involved in the justice system by establishing programs and developing and adopting policies to provide comprehensive health, mental health, education, and vocational services and services that preserve and strengthen the families of such juveniles.

(J) Developing and adopting policies to establish—

(i) a State administrative structure to coordinate program and fiscal policies for children who have emotional and behavioral problems and their families among the major child serving systems, including schools, social services, health services, mental health services, and the juvenile justice system; and

(ii) a statewide case review system.

(Pub. L. 93-415, title II, § 285, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5006.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5667a-1 of this title.

PART F—TREATMENT FOR JUVENILE OFFENDERS WHO ARE VICTIMS OF CHILD ABUSE OR NEGLECT

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 5671 of this title.

§ 5667d. “Juvenile” defined

For the purposes of this part, the term “juvenile” means a person who is less than 18 years of age.

(Pub. L. 93-415, title II, § 287, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5008.)

§ 5667d-1. Authority to make grants

The Administrator, in consultation with the Secretary of Health and Human Services, shall make grants to public and nonprofit private organizations to develop, establish, and support projects that—

(1) provide treatment to juvenile offenders who are victims of child abuse or neglect and to their families so as to reduce the likelihood that the juvenile offenders will commit subsequent violations of law;

(2) based on the best interests of juvenile offenders who receive treatment for child abuse or neglect, provide transitional services (including individual, group, and family counseling) to juvenile offenders—

(A) to strengthen the relationships of juvenile offenders with their families and encourage the resolution of intrafamily problems related to the abuse or neglect;

(B) to facilitate their alternative placement; and

(C) to prepare juveniles aged 16 years and older to live independently; and

(3) carry out research (including surveys of existing transitional services, identification of exemplary treatment modalities, and evaluation of treatment and transitional services) provided with grants made under this section.

(Pub. L. 93-415, title II, § 287A, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5008.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5667d-3 of this title.

§ 5667d-2. Administrative requirements

The Administrator shall administer this part subject to the requirements of sections 5665a, 5673, and 5676 of this title.

(Pub. L. 93-415, title II, § 287B, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5009.)

§ 5667d-3. Priority

In making grants under section 5667d-1 of this title, the Administrator—

(1) shall give priority to applicants that have experience in treating juveniles who are victims of child abuse or neglect; and

(2) may not disapprove an application solely because the applicant proposes to provide treatment or transitional services to juveniles who are adjudicated to be delinquent for having committed offenses that are not serious crimes.

(Pub. L. 93-415, title II, § 287C, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5009.)

PART G—MENTORING

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 5671 of this title.

§ 5667e. Purposes

The purposes of this part are—

(1) to reduce juvenile delinquency and gang participation;

(2) to improve academic performance; and

(3) to reduce the dropout rate,

through the use of mentors for at-risk youth.

(Pub. L. 93-415, title II, § 288, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5009.)

§ 5667e-1. Definitions

For purposes of this part—

(1) the term “at-risk youth” means a youth at risk of educational failure or dropping out of school or involvement in delinquent activities; and

(2) the term “mentor” means a person who works with an at-risk youth on a one-to-one basis, establishing a supportive relationship with the youth and providing the youth with academic assistance and exposure to new experiences that enhance the youth’s ability to become a responsible citizen.

(Pub. L. 93-415, title II, § 288A, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5009.)

§ 5667e-2. Grants

The Administrator shall, by making grants to and entering into contracts with local edu-

cational agencies (each of which agency shall be in partnership with a public or private agency, institution, or business), establish and support programs and activities for the purpose of implementing mentoring programs that—

(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, and adults working for community-based organizations and agencies; and

(2) are intended to achieve 1 or more of the following goals:

(A) Provide general guidance to at-risk youth.

(B) Promote personal and social responsibility among at-risk youth.

(C) Increase at-risk youth's participation in and enhance their ability to benefit from elementary and secondary education.

(D) Discourage at-risk youth's use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

(E) Discourage involvement of at-risk youth in gangs.

(F) Encourage at-risk youth's participation in community service and community activities.

(Pub. L. 93-415, title II, §288B, as added Pub. L. 102-586, §2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5010.)

§ 5667e-3. Regulations and guidelines

(a) Program guidelines

The Administrator shall issue program guidelines to implement this part. The program guidelines shall be effective only after a period for public notice and comment.

(b) Model screening guidelines

The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

(Pub. L. 93-415, title II, §288C, as added Pub. L. 102-586, §2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5010; amended Pub. L. 103-322, title XV, §150006, Sept. 13, 1994, 108 Stat. 2035.)

AMENDMENTS

1994—Pub. L. 103-322 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows:

“(a) REGULATIONS.—The Administrator, after consultation with the Secretary of Health and Human Services, the Secretary of Education, and the Secretary of Labor, shall promulgate regulations to implement this part.

“(b) GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.”

§ 5667e-4. Use of grants

(a) Permitted uses

Grants awarded pursuant to this part shall be used to implement mentoring programs, including—

(1) hiring of mentoring coordinators and support staff;

(2) recruitment, screening, and training of adult mentors;

(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and

(4) such other purposes as the Administrator may reasonably prescribe by regulation.

(b) Prohibited uses

Grants awarded pursuant to this part shall not be used—

(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3) of this section;

(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the grantee's operations;

(3) to support litigation of any kind; or

(4) for any other purpose reasonably prohibited by the Administrator by regulation.

(Pub. L. 93-415, title II, §288D, as added Pub. L. 102-586, §2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5010.)

§ 5667e-5. Priority

(a) In general

In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

(1) serve at-risk youth in high crime areas;

(2) have 60 percent or more of their youth eligible to receive funds under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.]; and

(3) have a considerable number of youth who drop out of school each year.

(b) Other considerations

In making grants under this part, the Administrator shall give consideration to—

(1) the geographic distribution (urban and rural) of applications;

(2) the quality of a mentoring plan, including—

(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or postsecondary education; and

(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

(3) the capability of the applicant to effectively implement the mentoring plan.

(Pub. L. 93-415, title II, §288E, as added Pub. L. 102-586, §2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5011; amended Pub. L. 103-382, title III, §391(t), Oct. 20, 1994, 108 Stat. 4025.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a)(2), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended generally by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3519, which is classified generally to chapter 70 (§6301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

AMENDMENTS

1994—Subsec. (a)(2). Pub. L. 103-382 substituted “under the Elementary” for “under chapter 1 of the Elementary”.

§ 5667e-6. Applications

An application for assistance under this part shall include—

- (1) information on the youth expected to be served by the program;
- (2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;
- (3) an assurance that no mentor will be assigned to more than one youth, so as to ensure a one-to-one relationship;
- (4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—
 - (A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;
 - (B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;
 - (C) assistance with homework assignments; and
 - (D) exposure to experiences that youth might not otherwise encounter;
- (5) an assurance that projects operated in elementary schools will provide youth with—
 - (A) academic assistance;
 - (B) exposure to new experiences and activities that youth might not encounter on their own; and
 - (C) emotional support;
- (6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, with provision for a new mentor assignment if the relationship is not beneficial to the youth;
- (7) the method by which mentors and youth will be recruited to the project;
- (8) the method by which prospective mentors will be screened; and
- (9) the training that will be provided to mentors.

(Pub. L. 93-415, title II, § 288F, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5011.)

§ 5667e-7. Grant cycles

Grants under this part shall be made for 3-year periods.

(Pub. L. 93-415, title II, § 288G, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5012.)

§ 5667e-8. Reports

Not later than 120 days after the completion of the first cycle of grants under this part, the Administrator shall submit to Congress a report regarding the success and effectiveness of the grant program in reducing juvenile delinquency and gang participation, improving academic performance, and reducing the dropout rate.

(Pub. L. 93-415, title II, § 288H, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5012.)

PART H—BOOT CAMPS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 5671 of this title.

§ 5667f. Establishment of program**(a) In general**

The Administrator may make grants to the appropriate agencies of 1 or more States for the purpose of establishing up to 10 military-style boot camps for juvenile delinquents (referred to as “boot camps”).

(b) Location

(1) The boot camps shall be located on existing or closed military installations on sites to be chosen by the agencies in one or more States, or in other facilities designated by the agencies on such sites, after consultation with the Secretary of Defense, if appropriate, and the Administrator.

(2) The Administrator shall—

(A) try to achieve to the extent possible equitable geographic distribution in approving boot camp sites; and

(B) give priority to grants where more than one State enters into formal cooperative arrangements to jointly administer a boot camp; and¹

(c) Regimen

The boot camps shall provide—

(1) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training;

(2) regular, remedial, special, and vocational education; and

(3) counseling and treatment for substance abuse and other health and mental health problems.

(Pub. L. 93-415, title II, § 289, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5012.)

§ 5667f-1. Capacity

Each boot camp shall be designed to accommodate between 150 and 250 juveniles for such time as the grant recipient agency deems to be appropriate.

(Pub. L. 93-415, title II, § 289A, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5012.)

§ 5667f-2. Eligibility and placement**(a) Eligibility**

A person shall be eligible for assignment to a boot camp if he or she—

(1) is considered to be a juvenile under the laws of the State of jurisdiction; and

(2) has been adjudicated to be delinquent in the State of jurisdiction or, upon approval of the court, voluntarily agrees to the boot camp assignment without a delinquency adjudication.

(b) Placement

Prior to being placed in a boot camp, an assessment of a juvenile shall be performed to determine that—

(1) the boot camp is the least restrictive environment that is appropriate for the juvenile considering the seriousness of the juvenile's delinquent behavior and the juvenile's treatment need; and

¹ So in original. The “; and” probably should be a period.

(2) the juvenile is physically and emotionally capable of participating in the boot camp regimen.

(Pub. L. 93-415, title II, § 289B, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5013.)

§ 5667f-3. Post-release supervision

A State that seeks to establish a boot camp, or participate in the joint administration of a boot camp, shall submit to the Administrator a plan describing—

(1) the provisions that the State will make for the continued supervision of juveniles following release; and

(2) provisions for educational and vocational training, drug or other counseling and treatment, and other support services.

(Pub. L. 93-415, title II, § 289C, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5013.)

PART I—WHITE HOUSE CONFERENCE ON JUVENILE JUSTICE

CODIFICATION

Another part I of title II of Pub. L. 93-415, as redesignated by Pub. L. 102-586, § 2(i)(1)(A), Nov. 4, 1992, 106 Stat. 5006, is classified to part J (§ 5671 et seq.) of this subchapter.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 5671 of this title.

§ 5667g. National White House Conference on Juvenile Justice

(a) In general

The President may call and conduct a National White House Conference on Juvenile Justice (referred to as the “Conference”) in accordance with this part.

(b) Purposes of Conference

The purposes of the Conference shall be—

(1) to increase public awareness of the problems of juvenile offenders and the juvenile justice system;

(2) to examine the status of minors currently in the juvenile and adult justice systems;

(3) to examine the increasing number of violent crimes committed by juveniles;

(4) to examine the growing phenomena of youth gangs, including the number of young women who are involved;

(5) to assemble persons involved in policies and programs related to juvenile delinquency prevention and juvenile justice enforcement;

(6) to examine the need for improving services for girls in the juvenile justice system;

(7) to create a forum in which persons and organizations from diverse regions may share information regarding successes and failures of policy in their juvenile justice and juvenile delinquency prevention programs; and

(8) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate to address the problems of juvenile delinquency and juvenile justice.

(c) Schedule of conferences

The Conference under this part shall be concluded not later than 18 months after November 4, 1992.

(d) Prior State and regional conferences

(1) In general

Participants in the Conference and other interested persons and organizations may conduct conferences and other activities at the State and regional levels prior to the date of the Conference, subject to the approval of the executive director of the Conference.

(2) Purpose of State and regional conferences

State and regional conferences and activities shall be directed toward the consideration of the purposes of this part. State conferences shall elect delegates to the National Conferences.

(3) Admittance

No person involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders may be denied admission to a State or regional conference.

(Pub. L. 93-415, title II, § 291, as added Pub. L. 102-586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5013.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5667g-3 of this title.

§ 5667g-1. Conference participants

(a) In general

The Conference shall bring together persons concerned with issues and programs, both public and private, relating to juvenile justice, and juvenile delinquency prevention.

(b) Selection

(1) State conferences

Delegates, including alternates, to the National Conference shall be elected by participants at the State conferences.

(2) Delegates

(A) In addition to delegates elected pursuant to paragraph (1)—

(i) each Governor may appoint 1 delegate and 1 alternate;

(ii) the majority leader of the Senate, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

(iii) the Speaker of the House of Representatives, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

(iv) the President may appoint 20 delegates and 5 alternates;

(v) the chief law enforcement official and the chief juvenile corrections official of each State may appoint 1 delegate and 1 alternate each; and

(vi) the Chairperson of the Juvenile Justice and Delinquency Prevention Advisory Committee of each State, or his or her designate, may appoint 1 delegate.

(B) Only persons involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders shall be eligible for appointment as a delegate.

(c) Participant expenses

Each participant in the Conference shall be responsible for his or her expenses related to at-

tending the Conference and shall not be reimbursed from funds appropriated pursuant to this chapter.

(d) No fees

No fee may be imposed on a person who attends a Conference except a registration fee of not to exceed \$10.

(Pub. L. 93-415, title II, §291A, as added Pub. L. 102-586, §2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5014.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original "this Act", meaning Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which enacted this chapter, sections 3772 to 3774 and 3821 of this title, and sections 4351 to 4353 and 5038 to 5042 of Title 18, Crimes and Criminal Procedure, amended sections 3701, 3723, 3733, 3768, 3811 to 3814, 3882, and 3883 to 3888 of this title, section 5108 of Title 5, Government Organization and Employees, and sections 5031 to 5037 of Title 18, and repealed section 3889 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables.

§ 5667g-2. Staff and executive branch

(a) In general

The President may appoint and compensate an executive director of the National White House Conference on Juvenile Justice and such other directors and personnel for the Conference as the President may deem to be advisable, without regard to the provisions of title 5 governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates. The staff of the Conference may not exceed 20, including the executive director.

(b) Detailees

Upon request by the executive director, the heads of the executive and military departments may detail employees to work with the executive director in planning and administering the Conference without regard to section 3341 of title 5.

(Pub. L. 93-415, title II, §291B, as added Pub. L. 102-586, §2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5015.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (a), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

§ 5667g-3. Planning and administration of Conference

(a) Federal agency support

All Federal departments, agencies, and instrumentalities shall provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

(b) Duties of executive director

In carrying out this part, the executive director of the White House Conference on Juvenile Justice—

(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels authorized by section 5667g(d) of this title;

(2) may enter into contracts and agreements with public and private agencies and organizations and academic institutions to assist in carrying out this part; and

(3) shall prepare and provide background materials for use by participants in the Conference and by participants in State and regional conferences.

(Pub. L. 93-415, title II, §291C, as added Pub. L. 102-586, §2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5015.)

§ 5667g-4. Reports

(a) In general

Not later than 6 months after the date on which a National Conference is convened, a final report of the Conference shall be submitted to the President and the Congress.

(b) Contents

A report described in subsection (a) of this section—

(1) shall include the findings and recommendations of the Conference and proposals for any legislative action necessary to implement the recommendations of the Conference; and

(2) shall be made available to the public.

(Pub. L. 93-415, title II, §291D, as added Pub. L. 102-586, §2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5015.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5671 of this title.

§ 5667g-5. Oversight

The Administrator shall report to the Congress annually during the 3-year period following the submission of the final report of a Conference on the status and implementation of the findings and recommendations of the Conference.

(Pub. L. 93-415, title II, §291E, as added Pub. L. 102-586, §2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5015.)

PART J—GENERAL AND ADMINISTRATIVE PROVISIONS

CODIFICATION

This part was, in the original, part I of title II of Pub. L. 93-415, the Juvenile Justice and Delinquency Prevention Act of 1974 and has been redesignated as part J for purposes of codification. Another part I of title II of Pub. L. 93-415, as added by Pub. L. 102-586, §2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5013, is classified to part I (§5667g et seq.) of this subchapter.

AMENDMENTS

1992—Pub. L. 102-586, §2(i)(1)(A), Nov. 4, 1992, 106 Stat. 5006, redesignated part E as I, which was redesignated as J for purposes of codification. See Codification note above.

1988—Pub. L. 100-690, title VII, §7266(1), Nov. 18, 1988, 102 Stat. 4449, redesignated part D as E and substituted "GENERAL AND ADMINISTRATIVE PROVISIONS" for "ADMINISTRATIVE PROVISIONS".

§ 5671. Authorization of appropriations

(a) Amounts; availability of funds

(1) To carry out the purposes of this subchapter (other than parts D, E, F, G, H, and I) there are authorized to be appropriated

\$150,000,000 for fiscal years 1993, 1994, 1995, and 1996. Funds appropriated for any fiscal year shall remain available for obligation until expended.

(2)(A) Subject to subparagraph (B), to carry out part D of this subchapter, there are authorized to be appropriated—

(i) to carry out subpart I, \$25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996; and

(ii) to carry out subpart II, \$25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.

(B) No funds may be appropriated to carry out part D, E, F, G, or I of this subchapter or subchapter V of this chapter or title VI¹ for a fiscal year unless the aggregate amount appropriated to carry out this subchapter (other than part D, E, F, G, or I of this subchapter or subchapter V of this chapter or title VI)¹ for the fiscal year is not less than the aggregate amount appropriated to carry out this subchapter (other than part D, E, F, G, or I of this subchapter or subchapter V of this chapter or title VI)¹ for the preceding fiscal year.

(3) To carry out part E of this subchapter, there are authorized to be appropriated \$50,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, and 1996.

(4)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part F of this subchapter—

(i) \$15,000,000 for fiscal year 1993; and

(ii) such sums as are necessary for fiscal years 1994, 1995, and 1996.

(B) No amount is authorized to be appropriated for a fiscal year to carry out part F of this subchapter unless the aggregate amount appropriated to carry out this subchapter for that fiscal year is not less than the aggregate amount appropriated to carry out this subchapter for the preceding fiscal year.

(C) From the amount appropriated to carry out part F of this subchapter in a fiscal year, the Administrator shall use—

(i) not less than 85 percent to make grants for treatment and transitional services;

(ii) not to exceed 10 percent for grants for research; and

(iii) not to exceed 5 percent for salaries and expenses of the Office of Juvenile Justice and Delinquency Prevention related to administering part F of this subchapter.

(5)(A) Subject to subparagraph (B),² there are authorized to be appropriated to carry out part G of this subchapter such sums as are necessary for fiscal years 1993, 1994, 1995, and 1996.

(6)(A) There are authorized to be appropriated to carry out part H of this subchapter such sums as are necessary for fiscal year 1993, to remain available until expended, of which—

(i) not more than \$12,500,000 shall be used to convert any 1 closed military base or to modify any 1 existing military base or other designated facility to a boot camp; and

(ii) not more than \$2,500,000 shall be used to operate any 1 boot camp during a fiscal year.

(B) No amount is authorized to be appropriated for a fiscal year to carry out part H of this subchapter unless the aggregate amount appropriated to carry out parts A, B, and C of this subchapter for that fiscal year is not less than 120 percent of the aggregate amount appropriated to carry out those parts for fiscal year 1992.

(7)(A) There are authorized to be appropriated such sums as are necessary for each National Conference and associated State and regional conferences under part I of this subchapter, to remain available until expended.

(B) New spending authority or authority to enter into contracts under part I of this subchapter shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

(C) No funds appropriated to carry out this chapter shall be made available to carry out part I of this subchapter other than funds appropriated specifically for the purpose of conducting the Conference.

(D) Any funds remaining unexpended at the termination of the Conference under part I of this subchapter, including submission of the report pursuant to section 5667g-4 of this title, shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

(b) Percentages available for programs

Of such sums as are appropriated to carry out the purposes of this subchapter (other than part D)—

(1) not to exceed 5 percent shall be available to carry out part A of this subchapter;

(2) not less than 70 percent shall be available to carry out part B of this subchapter; and

(3) 25 percent shall be available to carry out part C of this subchapter.

(c) Approval of State agency; supervisory board membership requirements

Notwithstanding any other provision of law, the Administrator shall—

(1) establish appropriate administrative and supervisory board membership requirements for a State agency responsible for supervising the preparation and administration of the State plan submitted under section 5633 of this title and permit the State advisory group appointed under section 5633(a)(3) of this title to operate as the supervisory board for such agency, at the discretion of the Governor; and

(2) approve any appropriate State agency designated by the Governor of the State involved in accordance with paragraph (1).

(d) Experimentation on individuals; prohibition; "behavior control" defined

No funds appropriated to carry out the purposes of this subchapter may be used for any bio-medical or behavior control experimentation on individuals or any research involving such experimentation. For the purpose of this subsection, the term "behavior control" refers to experimentation or research employing methods which involve a substantial risk of physical or psychological harm to the individual subject and which are intended to modify or alter criminal and other anti-social behavior, including aversive conditioning therapy, drug therapy or

¹ See References in Text note below.

² So in original. Probably should be "paragraph (2)(B).".

chemotherapy (except as part of routine clinical care), physical therapy of mental disorders, electroconvulsive therapy, or physical punishment. The term does not apply to a limited class of programs generally recognized as involving no such risk, including methadone maintenance and certain alcohol treatment programs, psychological counseling, parent training, behavior contracting, survival skills training, restitution, or community service, if safeguards are established for the informed consent of subjects (including parents or guardians of minors).

(e) Reservation for previously unfunded special emphasis prevention and treatment programs

Of such sums as are appropriated to carry out section 5665(a)(6) of this title, not less than 20 percent shall be reserved by the Administrator for each of fiscal years 1993, 1994, 1995, and 1996, for not less than 2 programs that have not received funds under subpart II of part C of this subchapter prior to October 1, 1992, which shall be selected through the application and approval process set forth in section 5665a of this title.

(Pub. L. 93-415, title II, § 299, formerly § 261, Sept. 7, 1974, 88 Stat. 1129; Pub. L. 94-273, § 32(b), Apr. 21, 1976, 90 Stat. 380; Pub. L. 94-503, title I, § 130(a), Oct. 15, 1976, 90 Stat. 2425; Pub. L. 95-115, § 6(b), Oct. 3, 1977, 91 Stat. 1058; Pub. L. 96-509, § 2(a), 15, Dec. 8, 1980, 94 Stat. 2750, 2760; Pub. L. 98-473, title II, § 640, Oct. 12, 1984, 98 Stat. 2121; renumbered § 291 and amended Pub. L. 100-690, title VII, §§ 7265, 7266(3), Nov. 18, 1988, 102 Stat. 4448, 4449; Pub. L. 101-204, title X, §§ 1001(e)(1), 1002, Dec. 7, 1989, 103 Stat. 1827; renumbered § 299 and amended Pub. L. 102-586, § 2(i)(1)(B), (j), Nov. 4, 1992, 106 Stat. 5006, 5016.)

REFERENCES IN TEXT

Title VI, referred to in subsec. (a)(2)(B), was in the original, included in the words "title V or VI". The reference to title V means title V of Pub. L. 93-415 which was translated as subchapter V of this chapter. The reference to title VI could not be translated because Pub. L. 93-415 does not contain a title VI.

This chapter, referred to in subsec. (a)(7)(C), was in the original "this Act", meaning Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which enacted this chapter, sections 3772 to 3774 and 3821 of this title, and sections 4351 to 4353 and 5038 to 5042 of Title 18, Crimes and Criminal Procedure, amended sections 3701, 3723, 3733, 3768, 3811 to 3814, 3882, and 3883 to 3888 of this title, section 5108 of Title 5, Government Organization and Employees, and sections 5031 to 5037 of Title 18, and repealed section 3889 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-586, § 2(j)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

"(1) To carry out the purposes of this subchapter (other than part D) there are authorized to be appropriated such sums as may be necessary for fiscal years 1989, 1990, 1991, and 1992. Funds appropriated for any fiscal year may remain available for obligation until expended.

"(2)(A) Subject to subparagraph (B), to carry out part D of this subchapter, there are authorized to be appropriated \$15,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.

"(B) No funds may be appropriated to carry out part D of this subchapter for a fiscal year unless the aggregate amount appropriated to carry out this subchapter (other than part D) for such fiscal year is not less than the aggregate amount appropriated to carry out this subchapter (other than part D) for the preceding fiscal year."

Subsec. (e). Pub. L. 102-586, § 2(j)(2), added subsec. (e). 1989—Subsec. (a). Pub. L. 101-204, § 1001(e)(1), amended directory language of Pub. L. 100-690, § 7265(a)(4), see 1988 Amendment note below.

Subsec. (a)(1). Pub. L. 101-204, § 1002, substituted "are authorized" for "is authorized".

1988—Subsec. (a). Pub. L. 100-690, § 7265(a), as amended by Pub. L. 101-204, § 1001(e)(1), designated existing provisions as par. (1), inserted "(other than part D)" after "this subchapter", struck out "1985, 1986, 1987, and 1988" after "fiscal years", inserted "1989, 1990, 1991, and 1992", and added par. (2).

Subsec. (b). Pub. L. 100-690, § 7265(b), inserted "(other than part D)" after "this subchapter" in introductory provisions and substituted "5 percent" for "7.5 percent" in par. (1), "70 percent" for "81.5 percent" in par. (2), and "25 percent" for "11 percent" in par. (3).

1984—Subsec. (a). Pub. L. 98-473, amended subsec. (a) generally, substituting provisions relating to authorization of appropriations for fiscal years 1985 to 1988 for former provisions which authorized appropriations for fiscal years 1981 to 1984.

Subsec. (b). Pub. L. 98-473, amended subsec. (b) generally, substituting provisions which set forth specific percentages of appropriations for parts A, B and C for former provisions which also set forth appropriation percentages for juvenile delinquency programs.

Subsec. (c). Pub. L. 98-473, amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "Notwithstanding any other provision of law, if the Administrator determines, in his discretion, that sufficient funds have not been appropriated for any fiscal year for the activities authorized in part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [42 U.S.C. 3741 et seq.], then the Administrator is authorized to—

"(1) approve any appropriate State agency designated by the Governor of the State involved as the sole agency responsible for supervising the preparation and administration of the State plan submitted under section 5633 of this title; and

"(2) establish appropriate administrative and supervisory board membership requirements for any agency designated in accordance with paragraph (1), and permit the State advisory group appointed under section 5633(a)(2) of this title to operate as the supervisory board for such agency, at the discretion of the Governor."

Subsec. (d). Pub. L. 98-473, in amending section generally, added subsec. (d).

1980—Subsec. (a). Pub. L. 96-509, § 2(a), substituted provisions authorizing appropriations of \$200,000,000 for each of fiscal years ending Sept. 30, 1981, Sept. 30, 1982, Sept. 30, 1983, and Sept. 30, 1984, for provisions that had authorized appropriations of \$150,000,000 for fiscal year ending Sept. 30, 1978, \$175,000,000 for fiscal year ending Sept. 30, 1979, and \$200,000,000 for fiscal year ending Sept. 30, 1980.

Subsec. (c). Pub. L. 96-509, § 15, added subsec. (c).

1977—Subsec. (a). Pub. L. 95-115 substituted provisions setting forth authorization of appropriations for fiscal year ending Sept. 30, 1978, through fiscal year ending Sept. 30, 1980, and authorization of availability of funds until expended, for provisions setting forth authorization of appropriations for fiscal year ending June 30, 1975, through fiscal year ending Sept. 30, 1977.

1976—Subsec. (a). Pub. L. 94-273 substituted "September 30, 1977" for "June 30, 1977".

Subsec. (b). Pub. L. 94-503 substituted "subsection (a) of this section" for "this section" and "the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile de-

linquency programs” for “other Law Enforcement Assistance Administration appropriations other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs assisted by the Law Enforcement Assistance Administration during fiscal year 1972”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5631, 5632, 5633 of this title.

§ 5672. Administrative authority

(a) Authority of Administrator

The Office shall be administered by the Administrator under the general authority of the Attorney General.

(b) Certain crime control provisions applicable

Sections 3789d(c), 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b), and 3789g(d) of this title, shall apply with respect to the administration of and compliance with this chapter, except that for purposes of this chapter—

- (1) any reference to the Office of Justice Programs in such sections shall be deemed to be a reference to the Assistant Attorney General who heads the Office of Justice Programs; and
- (2) the term “this chapter” as it appears in such sections shall be deemed to be a reference to this chapter.

(c) Certain other crime control provisions applicable

Sections 3782(a), 3782(c), and 3787 of this title shall apply with respect to the administration of and compliance with this chapter, except that for purposes of this chapter—

- (1) any reference to the Attorney General, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, or the Director of the Bureau of Justice Assistance shall be deemed to be a reference to the Administrator;
- (2) any reference to the Office of Justice Programs, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be deemed to be a reference to the Office of Juvenile Justice and Delinquency Prevention; and
- (3) the term “this chapter” as it appears in such sections shall be deemed to be a reference to this chapter.

(d) Rules, regulations, and procedures

The Administrator is authorized, after appropriate consultation with representatives of

States and units of local government, to establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and as are consistent with the purpose of this chapter.

(Pub. L. 93-415, title II, §299A, formerly §262, Sept. 7, 1974, 88 Stat. 1129; Pub. L. 95-115, §6(c), Oct. 3, 1977, 91 Stat. 1058; Pub. L. 96-509, §16, Dec. 8, 1980, 94 Stat. 2761; Pub. L. 98-473, title II, §641, Oct. 12, 1984, 98 Stat. 2122; renumbered §292, Pub. L. 100-690, title VII, §7266(3), Nov. 18, 1988, 102 Stat. 4449; renumbered §299A, Pub. L. 102-586, §2(i)(1)(B), Nov. 4, 1992, 106 Stat. 5006.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-473, in amending subsec. (a) generally, substituted provisions setting forth the administrative authority of the Office for former provisions which incorporated other administrative provisions into this chapter as well as construing certain references as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same actions as other officials.

Subsec. (b). Pub. L. 98-473, in amending subsec. (b) generally, substituted provisions relating to the applicability of other provisions to this chapter as well as defining certain references therein for former provisions which directed the Office of Justice Assistance, Research and Statistics to provide staff support and coordinate the activities of the Office of Juvenile Justice and Delinquency Prevention.

Subsecs. (c), (d). Pub. L. 98-473, in amending section generally, added subsecs. (c) and (d).

1980—Pub. L. 96-509 brought relevant applicable administrative provisions of the Omnibus Crime Control and Safe Streets Act of 1968 into conformance subsequent to the Justice System Improvement Amendments of 1979 and provided that the Office of Justice Assistance, Research, and Statistics provide staff support to, and coordinate the activities of the Office in the same manner as it does for the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to 3781(b) of this title.

1977—Pub. L. 95-115 substituted provisions setting forth applicability of specified statutory requirements, for provisions setting forth prohibitions against discrimination and required terms in grants, contracts, and agreements and enforcement procedures thereof.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by section 6(d)(2) of Pub. L. 95-115, set out as a note under section 5601 of this title.

§ 5673. Withholding

Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this subchapter, finds that—

- (1) the program or activity for which the grant or contract involved was made has been so changed that it no longer complies with this subchapter; or
- (2) in the operation of such program or activity there is failure to comply substantially with any provision of this subchapter;

the Administrator shall initiate such proceedings as are appropriate.

(Pub. L. 93-415, title II, §299B, formerly §293, as added Pub. L. 100-690, title VII, §7266(4), Nov. 18, 1988, 102 Stat. 4449; renumbered §299B, Pub. L. 102-586, §2(i)(1)(B), Nov. 4, 1992, 106 Stat. 5006.)

EFFECTIVE DATE

Section effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5667d-2, 13002, 13003, 13013, 13023 of this title.

§ 5674. Use of funds

(a) In general

Funds paid pursuant to this subchapter to any public or private agency, organization, or institution, or to any individual (either directly or through a State planning agency) may be used for—

(1) planning, developing, or operating the program designed to carry out this subchapter; and

(2) not more than 50 per centum of the cost of the construction of any innovative community-based facility for fewer than 20 persons which, in the judgment of the Administrator, is necessary to carry out this subchapter.

(b) Prohibition against use of funds in construction

Except as provided in subsection (a) of this section, no funds paid to any public or private agency, or institution or to any individual under this subchapter (either directly or through a State agency or local agency) may be used for construction.

(c) Funds paid pursuant to sections 5633(a)(10)(D) and 5665(a)(3) of this title

(1) Funds paid pursuant to section 5633(a)(10)(D) of this title and section 5665(a)(3) of this title to any public or private agency, organization, or institution or to any individual shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device intended or designed to influence a Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this paragraph shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved.

(2) The Administrator shall take such action as may be necessary to ensure that no funds paid under section 5633(a)(10)(D) of this title or section 5665(a)(3) of this title are used either directly or indirectly in any manner prohibited in this paragraph.¹

(Pub. L. 93-415, title II, §299C, formerly §294, as added Pub. L. 100-690, title VII, §7266(4), Nov. 18,

1988, 102 Stat. 4449; renumbered §299C, Pub. L. 102-586, §2(i)(1)(B), Nov. 4, 1992, 106 Stat. 5006.)

EFFECTIVE DATE

Section effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

§ 5675. Payments

(a) In general

Payments under this subchapter, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Administrator may determine.

(b) Percentage of approved costs

Except as provided in the second sentence of section 5632(c) of this title, financial assistance extended under this subchapter shall be 100 per centum of the approved costs of the program or activity involved.

(c) Increase of grants to Indian tribes; waiver of liability

(1) In the case of a grant under this subchapter to an Indian tribe, if the Administrator determines that the tribe does not have sufficient funds available to meet the local share of the cost of any program or activity to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent the Administrator deems necessary.

(2) If a State does not have an adequate forum to enforce grant provisions imposing any liability on Indian tribes, the Administrator may waive State liability attributable to the liability of such tribes and may pursue such legal remedies as are necessary.

(d) Reallocation of unrequired or statutorily available funds

If the Administrator determines, on the basis of information available to the Administrator during any fiscal year, that a portion of the funds granted to an applicant under part C of this subchapter for such fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 3783 of this title, as amended from time to time, that portion shall be available for reallocation in an equitable manner to States which comply with the requirements in paragraphs (12)(A) and (13) of section 5633(a) of this title, under section 5665(b)(6) of this title.

(Pub. L. 93-415, title II, §299D, formerly §295, as added Pub. L. 100-690, title VII, §7266(4), Nov. 18, 1988, 102 Stat. 4450; renumbered §299D, Pub. L. 102-586, §2(i)(1)(B), Nov. 4, 1992, 106 Stat. 5006.)

EFFECTIVE DATE

Section effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

§ 5676. Confidentiality of program records

Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this sub-

¹ So in original. Probably should be "paragraph (1)."

chapter may not be disclosed without the consent of the service recipient or legally authorized representative, or as may be necessary to carry out this subchapter. Under no circumstances may program reports or findings available for public dissemination contain the actual names of individual service recipients.

(Pub. L. 93-415, title II, § 299E, formerly § 296, as added Pub. L. 100-690, title VII, § 7266(4), Nov. 18, 1988, 102 Stat. 4450; renumbered § 299E, Pub. L. 102-586, § 2(i)(1)(B), Nov. 4, 1992, 106 Stat. 5006.)

EFFECTIVE DATE

Section effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5667d-2, 13002, 13003, 13013, 13023 of this title.

SUBCHAPTER III—RUNAWAY AND HOMELESS YOUTH

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 11432, 11433 of this title; title 31 section 6703.

§ 5701. Congressional statement of findings

The Congress hereby finds that—

(1) juveniles who have become homeless or who leave and remain away from home without parental permission, are at risk of developing serious health and other problems because they lack sufficient resources to obtain care and may live on the street for extended periods thereby endangering themselves and creating a substantial law enforcement problem for communities in which they congregate;

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) many such young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities;

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of care (including preventive services, emergency shelter services, and extended residential shelter) outside the welfare system and the law enforcement system;

(6) runaway and homeless youth have a disproportionate share of health, behavioral, and emotional problems compared to the general population of youth, but have less access to health care and other appropriate services and therefore may need access to longer periods of residential care, more intensive aftercare service, and other assistance;

(7) to make a successful transition to adulthood, runaway youth, homeless youth, and other street youth need opportunities to complete high school or earn a general equivalent

degree, learn job skills, and obtain employment;

(8) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop an accurate national reporting system and to develop an effective system of care including prevention, emergency shelter services, and longer residential care outside the public welfare and law enforcement structures;

(9) early intervention services (such as home-based services) are needed to prevent runaway and homeless youth from becoming involved in the juvenile justice system and other law enforcement systems; and

(10) street-based services that target runaway and homeless youth where they congregate are needed to reach youth who require assistance but who would not otherwise avail themselves of such assistance or services without street-based outreach.

(Pub. L. 93-415, title III, § 302, Sept. 7, 1974, 88 Stat. 1129; Pub. L. 102-586, § 3(a), Nov. 4, 1992, 106 Stat. 5017.)

AMENDMENTS

1992—Par. (1). Pub. L. 102-586, § 3(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;”.

Par. (5). Pub. L. 102-586, § 3(a)(3), substituted “care (including preventive services, emergency shelter services, and extended residential shelter) outside the welfare system and the law enforcement system;” for “temporary care outside the law enforcement structure.”

Pars. (6) to (10). Pub. L. 102-586, § 3(a)(2), (4), added pars. (6) to (10).

SHORT TITLE

For short title of title III of Pub. L. 93-415, which enacted this subchapter, as the “Runaway and Homeless Youth Act”, see section 301 of Pub. L. 93-415, as amended, set out as a note under section 5601 of this title.

§ 5702. Promulgation of rules

The Secretary of Health and Human Services (hereinafter in this subchapter referred to as the “Secretary”) may issue such rules as the Secretary considers necessary or appropriate to carry out the purposes of this subchapter.

(Pub. L. 93-415, title III, § 303, Sept. 7, 1974, 88 Stat. 1130; Pub. L. 98-473, title II, § 650, Oct. 12, 1984, 98 Stat. 2122.)

AMENDMENTS

1984—Pub. L. 98-473 substituted “Health and Human Services” for “Health, Education, and Welfare” and “issue such rules as the Secretary” for “prescribe such rules as he”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

PART A—RUNAWAY AND HOMELESS YOUTH GRANT PROGRAM

AMENDMENTS

1988—Pub. L. 100-690, title VII, § 7272(1), Nov. 18, 1988, 102 Stat. 4454, substituted in part A heading “RUNAWAY

AND HOMELESS YOUTH GRANT PROGRAM” for “GRANTS PROGRAM”.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 5714-24, 5715, 5751 of this title.

§ 5711. Authority to make grants

(a) Establishment and operation of runaway and homeless youth centers

The Secretary shall make grants to public and private entities (and combinations of such entities) to establish and operate (including renovation) local runaway and homeless youth centers to provide services to deal primarily with the immediate needs of runaway or otherwise homeless youth, and their families, in a manner which is outside the law enforcement system, the child welfare system, the mental health system, and the juvenile justice system.

(b) Allotment of funds for grants; priority given to certain private entities

(1) Subject to paragraph (2) and in accordance with regulations promulgated under this subchapter, funds for grants under subsection (a) of this section shall be allotted annually with respect to the States on the basis of their relative population of individuals who are less than 18 years of age.

(2) Subject to paragraph (3), the amount allotted under paragraph (1) with respect to each State for a fiscal year shall be not less than \$100,000, except that the amount allotted to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than \$45,000 each.

(3) If, as a result of paragraph (2), the amount allotted under paragraph (1) with respect to a State for a fiscal year shall be less than the aggregate amount of grants made under this part to recipients in such State for fiscal year 1992, then the amounts allotted to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to allot under paragraph (1) with respect to such State for the fiscal year an amount equal to the aggregate amount of grants made under this part to recipients in such State for fiscal year 1992.

(4) In selecting among applicants for grants under subsection (a) of this section, the Secretary shall give priority to private entities that have experience in providing the services described in such subsection.

(c) Street-based services

(1) If for a fiscal year the amount appropriated under section 5751(a)(1) of this title exceeds \$50,000,000, the Secretary may make grants under this subsection for that fiscal year to entities that receive grants under subsection (a) of this section to establish and operate street-based service projects for runaway and homeless youth.

(2) For purposes of this part, the term “street-based services” includes—

- (i) street-based crisis intervention and counseling;
- (ii) information and referral for housing;

- (iii) information and referral for transitional living and health care services; and
- (iv) advocacy, education, and prevention services for—
 - (I) alcohol and drug abuse;
 - (II) sexually transmitted diseases including HIV/AIDS infection; and
 - (III) physical and sexual assault.

(d) Home-based services

(1) If for a fiscal year the amount appropriated under section 5751(a)(1) of this title exceeds \$50,000,000, the Secretary may make grants for that fiscal year to entities that receive grants under subsection (a) of this section to establish and operate home-based service projects for families that are separated, or at risk of separation, as a result of the physical absence of a runaway youth or youth at risk of family separation.

(2) For purposes of this part—

(A) the term “home-based service project” means a project that provides—

- (i) case management; and
- (ii) in the family residence (to the maximum extent practicable)—

(I) intensive, time-limited, family and individual counseling;

(II) training relating to life skills and parenting; and

(III) other services;

designed to prevent youth from running away from their families or to cause runaway youth to return to their families;

(B) the term “youth at risk of family separation” means an individual—

(i) who is less than 18 years of age; and

(ii)(I) who has a history of running away from the family of such individual;

(II) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

(III) who is at risk of entering the child welfare system or juvenile justice system, as a result of the lack of services available to the family to meet such needs; and

(C) the term “time-limited” means for a period not to exceed 6 months.

(Pub. L. 93-415, title III, § 311, Sept. 7, 1974, 88 Stat. 1130; Pub. L. 95-115, § 7(a)(1), Oct. 3, 1977, 91 Stat. 1058; Pub. L. 96-509, § 18(c), Dec. 8, 1980, 94 Stat. 2762; Pub. L. 98-473, title II, § 651, Oct. 12, 1984, 98 Stat. 2123; Pub. L. 100-690, title VII, § 7271(a), (b), Nov. 18, 1988, 102 Stat. 4452; Pub. L. 102-586, § 3(b), Nov. 4, 1992, 106 Stat. 5018.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-586, § 3(b)(1), substituted “system, the child welfare system, the mental health system, and” for “structure and”.

Subsec. (b)(2). Pub. L. 102-586, § 3(b)(2)(A), substituted “\$100,000” for “\$75,000” and “\$45,000” for “\$30,000”.

Subsec. (b)(3). Pub. L. 102-586, § 3(b)(2)(B), substituted “1992” for “1988” in two places.

Subsecs. (c), (d). Pub. L. 102-586, § 3(b)(3), added subsecs. (c) and (d) and struck out former subsec. (c) which read as follows: “The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.”

1988—Pub. L. 100-690, § 7271(a), substituted “Authority to make grants” for “Grants and technical assistance” in section catchline.

Subsec. (a). Pub. L. 100-690, § 7271(b), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary is authorized to make grants and to provide technical assistance and short-term training to States, localities and private entities and coordinated networks of such entities in accordance with the provisions of this part and assistance to their families. Grants under this part shall be made equitably among the States based upon their respective populations of youth under 18 years of age for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth or otherwise homeless youth, and their families, in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of such youth in the community and the existing availability of services. Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers. Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with such youth.”

Subsec. (b). Pub. L. 100-690, § 7271(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication and to the families of such juveniles.”

1984—Subsec. (a). Pub. L. 98-473, § 651(a), in first sentence, substituted “private entities and coordinated networks of such entities” for “nonprofit private agencies and coordinated networks of such agencies” and inserted “and assistance to their families”.

Subsec. (b). Pub. L. 98-473, § 651(b), inserted “and to the families of such juveniles”.

1980—Subsec. (a). Pub. L. 96-509, § 18(c)(1)-(4), designated existing provision as subsec. (a), inserted “equitably among the States based upon their respective populations of youth under 18 years of age” after “shall be made”, “, and their families,” after “homeless youth”, and provision that grants also be made for the provision of a national communications system to assist runaway and homeless youth in communicating with their families and with service providers.

Subsecs. (b), (c). Pub. L. 96-509, § 18(c)(5), added subsecs. (b) and (c).

1977—Pub. L. 95-115 substituted “technical assistance and short-term training to States, localities and nonprofit private agencies and coordinated networks of such agencies in” for “technical assistance to localities and nonprofit private agencies in”, “needs of runaway youth or otherwise homeless youth in” for “needs of runaway youth in”, and “such youth” for “runaway youth” in two places.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5712, 5713, 5751 of this title.

§ 5712. Eligibility; plan requirements

(a) Runaway and homeless youth center; project providing temporary shelter; counseling services

To be eligible for assistance under section 5711(a) of this title, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway and homeless youth center, a locally controlled project (including a host family home) that provides temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians or to other homeless juveniles.

(b) Provisions of plan

In order to qualify for assistance under section 5711(a) of this title, an applicant shall submit a plan to the Secretary including assurances that the applicant—

(1) shall operate a runaway and homeless youth center located in an area which is demonstrably frequented by or easily reachable by runaway and homeless youth;

(2) shall use such assistance to establish, to strengthen, or to fund a runaway and homeless youth center, or a locally controlled facility providing temporary shelter, that has—

(A) a maximum capacity of not more than 20 youth; and

(B) a ratio of staff to youth that is sufficient to ensure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the parents or other relatives of the youth and ensuring the safe return of the youth according to the best interests of the youth, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway and homeless youth center and for providing for other appropriate alternative living arrangements;

(4) shall develop an adequate plan for ensuring—

(A) proper relations with law enforcement personnel, health and mental health care personnel, social service personnel, school system personnel, and welfare personnel;

(B) coordination with personnel of the schools to which runaway and homeless youth will return, to assist such youth to stay current with the curricula of those schools; and

(C) the return of runaway and homeless youth from correctional institutions;

(5) shall develop an adequate plan for providing counseling and aftercare services to such youth, for encouraging the involvement of their parents or legal guardians in counseling, and for ensuring, as possible, that aftercare services will be provided to those youth who

are returned beyond the State in which the runaway and homeless youth center is located;

(6) shall develop an adequate plan for establishing or coordinating with outreach programs designed to attract persons (including, where applicable, persons who are members of a cultural minority and persons with limited ability to speak English) who are eligible to receive services for which a grant under subsection (a) of this section may be expended;

(7) shall keep adequate statistical records profiling the youth and family members whom it serves (including youth who are not referred to out-of-home shelter services), except that records maintained on individual runaway and homeless youth shall not be disclosed without the consent of the individual youth and parent or legal guardian to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway and homeless youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway and homeless youth;

(8) shall submit annual reports to the Secretary detailing how the center has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);¹

(9) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

(10) shall submit a budget estimate with respect to the plan submitted by such center under this subsection; and

(11) shall supply such other information as the Secretary reasonably deems necessary.

(c) Street-based service project

To be eligible for assistance under section 5711(c) of this title, an applicant shall propose to establish, strengthen, or fund a street-based service project for runaway and homeless youth and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

(1) to provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

(2) to provide backup personnel for on-street staff;

(3) to provide informational and health educational material to runaway and homeless youth in need of services;

(4) to provide initial and periodic training of staff who provide services under the project;

(5) to carry out outreach activities for runaway and homeless youth and to collect statistical information on runaway and homeless youth contacted through such activities;

(6) to develop referral relationships with agencies and organizations that provide services or assistance to runaway and homeless youth, including law enforcement, education, social services, vocational education and training, public welfare, legal assistance, mental health and health care;

(7) to submit to the Secretary an annual report that includes information regarding the

activities carried out with funds received under section 5711(c) of this title, the achievements of the project under section 5711(c) of this title carried out by the applicant, and statistical summaries describing the number and the characteristics of the runaway and homeless youth who participate in such project in the year for which the report is submitted;

(8) to implement such accounting procedures and fiscal control devices as the Secretary may require;

(9) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under subsection² 5711(c) of this title;

(10) to keep adequate statistical records that profile runaway and homeless youth whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

(11) not to disclose records maintained on an individual runaway and homeless youth without the informed consent of the youth, to any person other than an agency compiling statistical records; and

(12) to provide to the Secretary such other information as the Secretary may reasonably require.

(d) Home-based service project

To be eligible for assistance under section 5711(d) of this title, an applicant shall propose to establish, strengthen, or fund a home-based service project for runaway youth or youth at risk of family separation and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

(1) to provide counseling and information services needed by runaway youth, youth at risk of family separation, and the family (including unrelated individuals in the family household) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parent training, financial planning, and referral to sources of other needed services;

(2) to provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway youth and youth at risk of family separation affected by family crises);

(3) to establish in partnership with the families of runaway youth and youth at risk of family separation, objectives and measures of success to be achieved as a result of participating in such project;

(4) to provide informational and health educational material to runaway youth and youth at risk of family separation in need of services;

(5) to provide initial and periodic training of staff who provide services under the project;

(6) to carry out outreach activities for runaway youth and youth at risk of family separation, and to collect statistical information on runaway youth and youth at risk of family separation contacted through such activities;

¹ So in original. Probably should be paragraph “(7);”.

² So in original. Probably should be “section”.

(7) to ensure that—

(i) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family participating in such project; and

(ii) qualified supervision will be provided to staff who provide services under the project;

(8) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds under section 5711(d) of this title, the achievements of the project under this part carried out by the applicant and statistical summaries describing the number and the characteristics of the runaway youth and youth at risk of family separation who participate in such project in the year for which the report is submitted;

(9) to implement such accounting procedures and fiscal control devices as the Secretary may require;

(10) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under section 5711(d) of this title;

(11) to keep adequate statistical records that profile runaway youth and youth at risk of family separation whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

(12) not to disclose records maintained on an individual runaway youth or youth at risk of family separation without the informed consent of the youth, to any person other than an agency compiling statistical records; and

(13) to provide to the Secretary such other information as the Secretary may reasonably require.

(Pub. L. 93-415, title III, §312, Sept. 7, 1974, 88 Stat. 1130; Pub. L. 95-115, §7(a)(2), (3), Oct. 3, 1977, 91 Stat. 1058; Pub. L. 96-509, §18(d), Dec. 8, 1980, 94 Stat. 2762; Pub. L. 98-473, title II, §652, Oct. 12, 1984, 98 Stat. 2123; Pub. L. 100-690, title VII, §7271(c)(1)-(3), Nov. 18, 1988, 102 Stat. 4453; Pub. L. 102-586, §3(c), Nov. 4, 1992, 106 Stat. 5019.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-586, §3(c)(1), substituted “project (including a host family home) that provides” for “facility providing”.

Subsec. (b)(2). Pub. L. 102-586, §3(c)(2)(A), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient proportion to assure adequate supervision and treatment;”.

Subsec. (b)(3). Pub. L. 102-586, §3(c)(2)(B), substituted “parents or other relatives of the youth and ensuring” for “child’s parents or relatives and assuring” and “youth” for “child” after “the” in two places.

Subsec. (b)(4). Pub. L. 102-586, §3(c)(2)(C), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “shall develop an adequate plan for assuring proper relations with law enforcement personnel, social service personnel, school system personnel, and welfare personnel, and the return of runaway and homeless youth from correctional institutions;”.

Subsec. (b)(5). Pub. L. 102-586, §3(c)(2)(D), substituted “providing counseling and aftercare services to such youth, for encouraging the involvement of their parents or legal guardians in counseling, and for ensuring”

for “aftercare counseling involving runaway and homeless youth and their families within the State in which the runaway and homeless youth center is located and for assuring” and “youth” for “children” after “those”.

Subsec. (b)(6). Pub. L. 102-586, §3(c)(2)(G), added par. (6). Former par. (6) redesignated (7).

Subsec. (b)(7). Pub. L. 102-586, §2(c)(2)(E), (F), redesignated par. (6) as (7) and substituted “youth and family members whom it serves (including youth who are not referred to out-of-home shelter services)” for “children and family members which it serves”.

Subsec. (b)(8) to (11). Pub. L. 102-586, §3(c)(2)(F), redesignated pars. (7) to (10) as (8) to (11), respectively.

Subsecs. (c), (d). Pub. L. 102-586, §3(c)(2)(H), added subsecs. (c) and (d).

1988—Subsec. (a). Pub. L. 100-690, §7271(c)(1), (2), substituted “section 5711(a) of this title” for “this part” and “runaway and homeless youth center” for “runaway center”.

Subsec. (b). Pub. L. 100-690, §7271(c)(1), (3)(A), substituted “section 5711(a) of this title” for “this part” and “including assurances that the applicant” for “meeting the following requirements and including the following information. Each center” in introductory provisions.

Subsec. (b)(1). Pub. L. 100-690, §7271(c)(3)(B), substituted “shall operate a runaway and homeless youth center” for “shall be” and “runaway and homeless youth” for “runaway youth”.

Subsec. (b)(3). Pub. L. 100-690, §7271(c)(3)(C), substituted “runaway and homeless youth center” for “runaway center”.

Subsec. (b)(4). Pub. L. 100-690, §7271(c)(3)(D), substituted “runaway and homeless youth” for “runaway youths”.

Subsec. (b)(5). Pub. L. 100-690, §7271(c)(3)(C), (E), substituted “runaway and homeless youth” for “runaway youth” and substituted “runaway and homeless youth center” for “runaway center” in two places.

Subsec. (b)(6). Pub. L. 100-690, §7271(c)(3)(D), (E), substituted “individual runaway and homeless youth” for “individual runaway youths” in two places and “against an individual runaway and homeless youth” for “against an individual runaway youth”.

1984—Subsec. (b)(2). Pub. L. 98-473, §652(1), substituted “proportion” for “portion”.

Subsec. (b)(3). Pub. L. 98-473, §652(2), struck out “(if such action is required by State law)” before “and assuring”.

Subsec. (b)(4). Pub. L. 98-473, §652(3), inserted “school system personnel”.

Subsec. (b)(5). Pub. L. 98-473, §652(4), substituted “families” for “parents”.

Subsec. (b)(6). Pub. L. 98-473, §652(5), substituted “family members” for “parents”.

1980—Subsec. (a). Pub. L. 96-509, §18(d)(1), substituted “center” for “house” and inserted “or to other homeless juveniles” after “parents or guardians”.

Subsec. (b). Pub. L. 96-509, §18(d)(2), substituted “center” for “house” wherever appearing, and in par. (4) inserted reference to social service personnel and welfare personnel.

1977—Subsec. (b)(5), (6). Pub. L. 95-115 substituted “aftercare services” for “aftercase services” in par. (5), and “the consent of the individual youth and parent or legal guardian” for “parental consent” in par. (6).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5713 of this title.

§§ 5712a to 5712c. Repealed. Pub. L. 102-586, § 3(g)(2)(A)–(C), Nov. 4, 1992, 106 Stat. 5025

Section 5712a, Pub. L. 93-415, title III, § 313, as added Pub. L. 100-690, title VII, § 7275(b), Nov. 18, 1988, 102 Stat. 4457, related to grants for a national communication system to assist runaway and homeless youth. See section 5714-11 of this title.

Section 5712b, Pub. L. 93-415, title III, § 314, as added Pub. L. 100-690, title VII, § 7276, Nov. 18, 1988, 102 Stat. 4457, related to grants for technical assistance and training to public and private entities for establishment and operation of runaway and homeless youth centers.

Section 5712c, Pub. L. 93-415, title III, § 315, as added Pub. L. 100-690, title VII, § 7277, Nov. 18, 1988, 102 Stat. 4457, related to authority of the Secretary to make grants for research, demonstration, and service projects.

§ 5712d. Grants for prevention of sexual abuse and exploitation

(a) In general

The Secretary shall make grants under this section to private, nonprofit agencies for street-based outreach and education, including treatment, counseling, provision of information, and referral for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

(b) Priority

In selecting among applicants for grants under subsection (a) of this section, the Secretary shall give priority to agencies that have experience in providing services to runaway, homeless, and street youth.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section—

- (1) \$7,000,000 for fiscal year 1996;
- (2) \$8,000,000 for fiscal year 1997; and
- (3) \$15,000,000 for fiscal year 1998.

(d) Definitions

For the purposes of this section—

(1) the term “street-based outreach and education” includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

(2) the term “street youth” means a juvenile who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse.

(Pub. L. 93-415, title III, § 316, as added Pub. L. 103-322, title IV, § 40155, Sept. 13, 1994, 108 Stat. 1922.)

CODIFICATION

Section 40155(2) of Pub. L. 103-322, which directed that this section be added after section 315 of Pub. L. 93-415, was executed by adding this section after section 312 of Pub. L. 93-415 (classified to section 5712 of this title) to reflect the probable intent of Congress and amendment by Pub. L. 102-586, § 3(g)(2)(A)–(D), which repealed sections 313 to 315 of Pub. L. 93-415 (formerly classified to sections 5712a to 5712c of this title) and renumbered sections 316 and 317 of Pub. L. 93-415 as sections 313 and 314, respectively, of Pub. L. 93-415 (classified to sections

5713 and 5714 of this title). Section 40155(1) of Pub. L. 103-322, which directed that sections 316 and 317 of Pub. L. 93-415 be renumbered sections 317 and 318 of Pub. L. 93-415, could not be executed because of the previous renumbering of sections 316 and 317 as sections 313 and 314 of Pub. L. 93-415, as indicated above.

PRIOR PROVISIONS

A prior section 316 of Pub. L. 93-415 was renumbered section 313 of Pub. L. 93-415 and is classified to section 5713 of this title.

Another prior section 316 of Pub. L. 93-415 was renumbered section 372 of Pub. L. 93-415 and is classified to section 5714b of this title.

Another prior section 316 of Pub. L. 93-415 was renumbered section 382 of Pub. L. 93-415 and is classified to section 5716 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14214 of this title.

§ 5713. Approval of application by Secretary; priority

An application by a State, locality, or private entity for a grant under section 5711(a), (c), or (d) of this title may be approved by the Secretary only if it is consistent with the applicable provisions of section 5711(a), (c), or (d) of this title and meets the requirements set forth in section 5712 of this title. Priority shall be given to grants smaller than \$200,000. In considering grant applications under section 5711(a) of this title, priority shall be given to organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families.

(Pub. L. 93-415, title III, § 313, Sept. 7, 1974, 88 Stat. 1131; Pub. L. 95-115, § 7(a)(4), Oct. 3, 1977, 91 Stat. 1058; Pub. L. 96-509, § 18(e), Dec. 8, 1980, 94 Stat. 2762; Pub. L. 98-473, title II, § 653, Oct. 12, 1984, 98 Stat. 2123; renumbered § 316 and amended Pub. L. 100-690, title VII, §§ 7271(c)(1), 7275(a), Nov. 18, 1988, 102 Stat. 4453, 4457; renumbered § 313 and amended Pub. L. 102-586, § 3(d), (g)(2)(D), Nov. 4, 1992, 106 Stat. 5022, 5025.)

PRIOR PROVISIONS

A prior section 313 of Pub. L. 93-415 was classified to section 5712a of this title prior to repeal by Pub. L. 102-586.

AMENDMENTS

1992—Pub. L. 102-586, § 3(d), substituted “section 5711(a), (c), or (d) of this title” for “section 5711(a) of this title” in two places in first sentence and substituted “\$200,000” for “\$150,000” in second sentence.

1988—Pub. L. 100-690, § 7271(c)(1), substituted “section 5711(a) of this title” for “this part” in three places.

1984—Pub. L. 98-473 substituted “private entity” for “nonprofit private agency”.

1980—Pub. L. 96-509 substituted “\$150,000” for “\$100,000” and “organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families” for “any applicant whose program budget is smaller than \$150,000”.

1977—Pub. L. 95-115 substituted “\$100,000” and “\$150,000” for “\$75,000” and “\$100,000”, respectively.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

§ 5714. Grants to private entities; staffing

Nothing in this subchapter shall be construed to deny grants to private entities which are fully controlled by private boards or persons but which in other respects meet the requirements of this subchapter and agree to be legally responsible for the operation of the runaway and homeless youth center and the programs, projects, and activities they carry out under this subchapter. Nothing in this subchapter shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds under this subchapter.

(Pub. L. 93-415, title III, §314, Sept. 7, 1974, 88 Stat. 1131; Pub. L. 98-473, title II, §654, Oct. 12, 1984, 98 Stat. 2123; renumbered §317 and amended Pub. L. 100-690, title VII, §§7271(c)(4), 7275(a), Nov. 18, 1988, 102 Stat. 4453, 4457; renumbered §314 and amended Pub. L. 102-586, §3(e), (g)(2)(D), Nov. 4, 1992, 106 Stat. 5022, 5025.)

PRIOR PROVISIONS

A prior section 314 of Pub. L. 93-415 was classified to section 5712b of this title prior to repeal by Pub. L. 102-586.

AMENDMENTS

1992—Pub. L. 102-586, §3(e), substituted “subchapter” for “part” wherever appearing and inserted “and the programs, projects, and activities they carry out under this subchapter” after “center” and “under this subchapter” before period at end.

1988—Pub. L. 100-690, §7271(c)(4), substituted “runaway and homeless youth center” for “runaway center”.

1984—Pub. L. 98-473 amended section catchline and substituted “private entities” for “nonprofit private agencies” and “center” for “house” in text.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as a note under section 5601 of this title.

PART B—TRANSITIONAL LIVING GRANT PROGRAM

AMENDMENTS

1988—Pub. L. 100-690, title VII, §§7272(2), 7273(f), Nov. 18, 1988, 102 Stat. 4454, 4455, added part B heading, set out above, and struck out “PART B—RECORDS” heading, formerly set out preceding section 5731 of this title.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 5715, 5751 of this title.

§ 5714-1. Purpose and authority for program

(a) The Secretary is authorized to make grants and to provide technical assistance to

public and nonprofit private entities to establish and operate transitional living youth projects for homeless youth.

(b) For purposes of this part—

(1) the term “homeless youth” means any individual—

(A) who is not less than 16 years of age and not more than 21 years of age;

(B) for whom it is not possible to live in a safe environment with a relative; and

(C) who has no other safe alternative living arrangement; and

(2) the term “transitional living youth project” means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

(Pub. L. 93-415, title III, §321, as added Pub. L. 100-690, title VII, §7273(f), Nov. 18, 1988, 102 Stat. 4455.)

PRIOR PROVISIONS

A prior section 321 of Pub. L. 93-415 was renumbered section 363 and is classified to section 5731 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

§ 5714-2. Eligibility

(a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund a transitional living youth project for homeless youth and shall submit to the Secretary a plan in which such applicant agrees, as part of such project—

(1) to provide, directly or indirectly, shelter (such as group homes, host family homes, and supervised apartments) and services (including information and counseling services in basic life skills which shall include money management, budgeting, consumer education, and use of credit, interpersonal skill building, educational advancement, job attainment skills, and mental and physical health care) to homeless youth;

(2) to provide such shelter and such services to individual homeless youth throughout a continuous period not to exceed 540 days;

(3) to provide, directly or indirectly, on-site supervision at each shelter facility that is not a family home;

(4) that such shelter facility used to carry out such project shall have the capacity to accommodate not more than 20 individuals (excluding staff);

(5) to provide a number of staff sufficient to ensure that all homeless youth participating in such project receive adequate supervision and services;

(6) to provide a written transitional living plan to each youth based on an assessment of such youth's needs, designed to help the transition from supervised participation in such project to independent living or another appropriate living arrangement;

(7) to develop an adequate plan to ensure proper referral of homeless youth to social service, law enforcement, educational, voca-

tional, training, welfare, legal service, and health care programs and to help integrate and coordinate such services for youths;

(8) to provide for the establishment of outreach programs designed to attract individuals who are eligible to participate in the project;

(9) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds under this part, the achievements of the project under this part carried out by the applicant and statistical summaries describing the number and the characteristics of the homeless youth who participate in such project in the year for which the report is submitted;

(10) to implement such accounting procedures and fiscal control devices as the Secretary may require;

(11) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under this part;

(12) to keep adequate statistical records profiling homeless youth which it serves and not to disclose the identity of individual homeless youth in reports or other documents based on such statistical records;

(13) not to disclose records maintained on individual homeless youth without the informed consent of the individual youth to anyone other than an agency compiling statistical records; and

(14) to provide to the Secretary such other information as the Secretary may reasonably require.

(b) In selecting eligible applicants to receive grants under this part, the Secretary shall give priority to entities that have experience in providing to homeless youth shelter and services of the types described in subsection (a)(1) of this section.

(Pub. L. 93-415, title III, §322, as added Pub. L. 100-690, title VII, §7273(f), Nov. 18, 1988, 102 Stat. 4456; amended Pub. L. 102-586, §3(f), Nov. 4, 1992, 106 Stat. 5022.)

AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-586, §3(f)(1), inserted “which shall include money management, budgeting, consumer education, and use of credit” after “basic life skills”.

Subsec. (a)(13). Pub. L. 102-586, §3(f)(2), substituted “informed consent of the individual youth” for “consent of the individual youth and parent or legal guardian” and struck out “or a government agency involved in the disposition of criminal charges against youth” after “statistical records”.

EFFECTIVE DATE

Section effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

PART C—NATIONAL COMMUNICATIONS SYSTEM

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 5715 of this title.

§ 5714-11. Authority to make grants

With funds reserved under section 5751(a)(3) of this title, the Secretary shall make grants for a national communication system to assist run-

away and homeless youth in communicating with their families and with service providers. The Secretary shall give priority to grant applicants that have experience in providing telephone services to runaway and homeless youth.

(Pub. L. 93-415, title III, §331, as added Pub. L. 102-586, §3(g)(1)(C), Nov. 4, 1992, 106 Stat. 5022.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5751 of this title.

PART D—COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 5715 of this title.

§ 5714-21. Coordination

With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this subchapter.

(Pub. L. 93-415, title III, §341, as added Pub. L. 102-586, §3(g)(1)(C), Nov. 4, 1992, 106 Stat. 5023.)

PRIOR PROVISIONS

A prior section 341 of Pub. L. 93-415 was renumbered section 371 and is classified to section 5714a of this title.

§ 5714-22. Grants for technical assistance and training

The Secretary may make grants to statewide and regional nonprofit organizations (and combinations of such organizations) to provide technical assistance and training to public and private entities (and combinations of such entities) that are eligible to receive grants under this subchapter, for the purpose of carrying out the programs, projects, or activities for which such grants are made.

(Pub. L. 93-415, title III, §342, as added Pub. L. 102-586, §3(g)(1)(C), Nov. 4, 1992, 106 Stat. 5023.)

PRIOR PROVISIONS

A prior section 342 of Pub. L. 93-415 was renumbered section 372 and is classified to section 5714b of this title.

§ 5714-23. Authority to make grants for research, demonstration, and service projects

(a) Authorization; purposes

The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway youth and homeless youth.

(b) Selection factors; special consideration

In selecting among applications for grants under subsection (a) of this section, the Secretary shall give special consideration to proposed projects relating to—

(1) youth who repeatedly leave and remain away from their homes;

(2) home-based and street-based services for, and outreach to, runaway youth and homeless youth;

(3) transportation of runaway youth and homeless youth in connection with services authorized to be provided under this subchapter;

(4) the special needs of runaway youth and homeless youth programs in rural areas;

(5) the special needs of programs that place runaway youth and homeless youth in host family homes;

(6) staff training in—

(A) the behavioral and emotional effects of sexual abuse and assault;

(B) responding to youth who are showing effects of sexual abuse and assault; and

(C) agency-wide strategies for working with runaway and homeless youth who have been sexually victimized;

(7) innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers;

(8) training for runaway youth and homeless youth, and staff training, related to preventing and obtaining treatment for infection by the human immunodeficiency virus (HIV);

(9) increasing access to health care (including mental health care) for runaway youth and homeless youth; and

(10) increasing access to education for runaway youth and homeless youth.

(c) Priority

In selecting among applicants for grants under subsection (a) of this section, the Secretary shall give priority to applicants who have experience working with runaway youth or homeless youth.

(Pub. L. 93-415, title III, § 343, as added Pub. L. 102-586, § 3(g)(1)(C), Nov. 4, 1992, 106 Stat. 5023.)

§ 5714-24. Temporary demonstration projects to provide services to youth in rural areas

(a)(1) With funds appropriated under section 5751(c) of this title, the Secretary may make grants on a competitive basis to States, localities, and private entities (and combinations of such entities) to provide services (including transportation) authorized to be provided under part A of this subchapter, to runaway and homeless youth in rural areas.

(2)(A) Each grant made under paragraph (1) may not exceed \$100,000.

(B) In each fiscal year for which funds are appropriated to carry out this section, grants shall be made under paragraph (1) to eligible applicants to carry out projects in not fewer than 10 States.

(C) Not more than 2 grants may be made under paragraph (1) in each fiscal year to carry out projects in a particular State.

(3) Each eligible applicant that receives a grant for a fiscal year to carry out a project under this section shall have priority to receive a grant for the subsequent fiscal year to carry out a project under this section.

(b) To be eligible to receive a grant under subsection (a) of this section, an applicant shall—

(1) submit to the Secretary an application in such form and containing such information and assurances as the Secretary may require by rule; and

(2) propose to carry out such project in a geographical area that—

(A) has a population under 20,000;

(B) is located outside a Standard Metropolitan Statistical Area; and

(C) agree to provide to the Secretary an annual report identifying—

(i) the number of runaway and homeless youth who receive services under the project carried out by the applicant;

(ii) the types of services authorized under part A of this subchapter that were needed by, but not provided to, such youth in the geographical area served by the project;

(iii) the reasons the services identified under clause (ii) were not provided by the project; and

(iv) such other information as the Secretary may require.

(Pub. L. 93-415, title III, § 344, as added Pub. L. 102-586, § 3(g)(1)(C), Nov. 4, 1992, 106 Stat. 5024.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5751 of this title.

PART E—GENERAL PROVISIONS

AMENDMENTS

1992—Pub. L. 102-586, § 3(g)(1)(B)(i), Nov. 4, 1992, 106 Stat. 5022, redesignated part C as E.

1988—Pub. L. 100-690, title VII, §§ 7272(2), 7273(e)(1), Nov. 18, 1988, 102 Stat. 4454, 4455, added part C heading, set out above, and struck out “PART C—AUTHORIZATION OF APPROPRIATIONS” heading, formerly set out preceding section 5741 of this title.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 5715 of this title.

§ 5714a. Assistance to potential grantees

The Secretary shall provide informational assistance to potential grantees interested in establishing runaway and homeless youth centers and transitional living youth projects. Such assistance shall consist of information on—

(1) steps necessary to establish a runaway and homeless youth center or transitional living youth project, including information on securing space for such center or such project, obtaining insurance, staffing, and establishing operating procedures;

(2) securing local private or public financial support for the operation of such center or such project, including information on procedures utilized by grantees under this subchapter; and

(3) the need for the establishment of additional runaway and homeless youth centers in the geographical area identified by the potential grantee involved.

(Pub. L. 93-415, title III, § 371, formerly § 315, as added Pub. L. 98-473, title II, § 655(2), Oct. 12, 1984, 98 Stat. 2124; renumbered § 341 and amended Pub. L. 100-690, title VII, § 7273(a), (e)(2), Nov. 18, 1988, 102 Stat. 4454, 4455; renumbered § 371, Pub. L. 102-586, § 3(g)(1)(B)(ii), Nov. 4, 1992, 106 Stat. 5022.)

AMENDMENTS

1988—Pub. L. 100-690, § 7273(a)(1), inserted “and transitional living youth projects” after “homeless youth centers” in introductory provisions.

Par. (1). Pub. L. 100-690, § 7273(a)(2), (3), inserted “or transitional living youth project” after “homeless youth center” and “or such project” after “such center”.

Par. (2). Pub. L. 100-690, § 7273(a)(3), inserted “such project” after “such center”.

Par. (3). Pub. L. 100-690, § 7273(a)(4), inserted “and homeless” after “runaway”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE

Section effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

§ 5714b. Lease of surplus Federal facilities for use as runaway and homeless youth centers or as transitional living youth shelter facilities

(a) Conditions of lease arrangements

The Secretary may enter into cooperative lease arrangements with States, localities, and nonprofit private agencies to provide for the use of appropriate surplus Federal facilities transferred by the General Services Administration to the Department of Health and Human Services for use as runaway and homeless youth centers or as transitional living youth shelter facilities if the Secretary determines that—

(1) the applicant involved has suitable financial support necessary to operate a runaway and homeless youth center or transitional living youth project, as the case may be, under this subchapter;

(2) the applicant is able to demonstrate the program expertise required to operate such center in compliance with this subchapter, whether or not the applicant is receiving a grant under this part; and

(3) the applicant has consulted with and obtained the approval of the chief executive officer of the unit of local government in which the facility is located.

(b) Period of availability; rent-free use; structural changes: Federal ownership and consent

(1) Each facility made available under this section shall be made available for a period of not less than 2 years, and no rent or fee shall be charged to the applicant in connection with use of such facility.

(2) Any structural modifications or additions to facilities made available under this section shall become the property of the United States. All such modifications or additions may be made only after receiving the prior written consent of the Secretary or other appropriate officer of the Department of Health and Human Services.

(Pub. L. 93-415, title III, § 372, formerly § 316, as added Pub. L. 98-473, title II, § 655(2), Oct. 12, 1984, 98 Stat. 2124; renumbered § 342 and amended Pub. L. 100-690, title VII, § 7273(b), (e)(2), Nov. 18,

1988, 102 Stat. 4454, 4455; renumbered § 372, Pub. L. 102-586, § 3(g)(1)(B)(ii), Nov. 4, 1992, 106 Stat. 5022; Pub. L. 105-277, div. A, § 101(b) [title I, § 129(a)(2)(E)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-76.)

AMENDMENTS

1998—Subsec. (a)(3). Pub. L. 105-277 substituted “unit of local government” for “unit of general local government”.

1988—Pub. L. 100-690, § 7273(b)(1), inserted “or as transitional living youth shelter facilities” at end of section catchline.

Subsec. (a). Pub. L. 100-690, § 7273(b)(2), inserted “or as transitional living youth shelter facilities” after “runaway and homeless youth centers” in introductory provisions and “or transitional living youth project, as the case may be, under this subchapter” after “homeless youth center” in par. (1).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE

Section effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

PART F—ADMINISTRATIVE PROVISIONS

AMENDMENTS

1992—Pub. L. 102-586, § 3(g)(1)(A)(i), Nov. 4, 1992, 106 Stat. 5022, redesignated part D as F.

1988—Pub. L. 100-690, title VII, § 7272(3), Nov. 18, 1988, 102 Stat. 4454, added part heading.

§ 5715. Reports

(a) Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate on the status, activities, and accomplishments of the runaway and homeless youth centers that are funded under parts A, B, C, D, and E of this subchapter, with particular attention to—

(1) in the case of centers funded under part A of this subchapter—

(A) their effectiveness in alleviating the problems of runaway and homeless youth;

(B) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

(C) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

(D) their effectiveness in helping youth decide upon a future course of action; and

(2) in the case of centers funded under part B of this subchapter—

(A) the number and characteristic of homeless youth served by such projects;

(B) describing the types of activities carried out under such projects;

(C) the effectiveness of such projects in alleviating the immediate problems of homeless youth;

(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

(E) the effectiveness of such projects in helping youth decide upon future education, employment, and independent living;

(F) the ability of such projects to strengthen family relationships, and encourage the resolution of intrafamily problems through counseling and the development of self-sufficient living skills; and

(G) plans for the following fiscal year.

(b)(1) The Secretary shall include in the report required by subsection (a) of this section an evaluation of the results of Federal evaluation of the programs, projects, and activities carried out under this subchapter and a description of the training provided to the persons who carry out the evaluation.

(2) As part of the evaluation described in paragraph (1), the Secretary shall require the persons who carry out the evaluation to visit each grantee on-site not less frequently than every 3 years.

(Pub. L. 93-415, title III, §381, formerly §315, Sept. 7, 1974, 88 Stat. 1131; Pub. L. 96-509, §18(f), Dec. 8, 1980, 94 Stat. 2762; renumbered §317, Pub. L. 98-473, title II, §655(1), Oct. 12, 1984, 98 Stat. 2124; renumbered §361 and amended Pub. L. 100-690, title VII, §§7271(c)(5), 7273(c), (e)(2), 7274, Nov. 18, 1988, 102 Stat. 4453-4455, 4457; Pub. L. 101-204, title X, §1003(1), (2), Dec. 7, 1989, 103 Stat. 1827; renumbered §381 and amended Pub. L. 102-586, §3(g)(1)(A)(ii), (h), Nov. 4, 1992, 106 Stat. 5022, 5025.)

AMENDMENTS

1992—Pub. L. 102-586, §3(h), which directed the amendment of section “361 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5715)” by amending it generally and adding subsec. (b), was executed to this section, which is section 381 of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93-415), to reflect the probable intent of Congress and the intervening renumbering of section 361 of Pub. L. 93-415 as section 381 by section 3(g)(1)(A)(ii) of Pub. L. 102-586. Prior to amendment, this section consisted of subsecs. (a) and (b) which required annual reports to Congress on the status and accomplishments of the runaway and homeless youth centers funded under part A of this subchapter and of the transitional living youth projects funded under part B of this subchapter.

1989—Subsec. (a). Pub. L. 101-204, §1003(1), substituted “submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate” for “report to the Congress”.

Subsec. (b). Pub. L. 101-204, §1003(2), substituted “Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate” for “The Secretary shall annually report to the Congress”.

1988—Subsec. (a). Pub. L. 100-690, §§7271(c)(5), 7273(c)(1), (2), 7274, designated existing provisions as subsec. (a), in introductory provisions substituted “Not later than 180 days after the end of each fiscal year, the Secretary shall” for “The Secretary shall annually”, “runaway and homeless youth centers” for “runaway centers”, and “part A of this subchapter” for “this part”, and in par. (1) substituted “runaway and homeless youth” for “runaway youth”.

Subsec. (b). Pub. L. 100-690, §7273(c)(3), added subsec. (b).

1980—Pub. L. 96-509 substituted “centers” for “houses”.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, with the report required by this section with respect to fiscal year 1988 to be submitted not later than Aug. 1, 1989, notwithstanding the 180-day period provided in this section, see section 7296(a), (b)(3) of Pub. L. 100-690, as amended, set out as a note under section 5601 of this title.

§5716. Federal and non-Federal share; methods of payment

(a) The Federal share for the renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(Pub. L. 93-415, title III, §382, formerly §316, Sept. 7, 1974, 88 Stat. 1132; renumbered §318, Pub. L. 98-473, title II, §655(1), Oct. 12, 1984, 98 Stat. 2124; renumbered §362 and amended Pub. L. 100-690, title VII, §§7271(c)(6), 7273(e)(2), Nov. 18, 1988, 102 Stat. 4454, 4455; renumbered §382, Pub. L. 102-586, §3(g)(1)(A)(ii), Nov. 4, 1992, 106 Stat. 5022.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-690, §7271(c)(6), struck out “acquisition and” before “renovation”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

§5731. Restrictions on disclosure and transfer

Records containing the identity of individual youths pursuant to this chapter may under no circumstances be disclosed or transferred to any individual or to any public or private agency.

(Pub. L. 93-415, title III, §383, formerly §321, Sept. 7, 1974, 88 Stat. 1132; Pub. L. 95-115, §7(b), Oct. 3, 1977, 91 Stat. 1058; renumbered §363, Pub. L. 100-690, title VII, §7273(e)(2), Nov. 18, 1988, 102 Stat. 4455; renumbered §383, Pub. L. 102-586, §3(g)(1)(A)(ii), Nov. 4, 1992, 106 Stat. 5022.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which enacted this chapter, sections 3772 to 3774 and 3821 of this title, and sections 4351 to 4353 and 5038 to 5042 of Title 18, Crimes and Criminal Procedure, amended sections 3701, 3723, 3733, 3768, 3811

to 3814, 3882, and 3883 to 3888 of this title, section 5108 of Title 5, Government Organization and Employees, and sections 5031 to 5037 of Title 18, and repealed section 3889 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables.

AMENDMENTS

1977—Pub. L. 95-115 substituted provisions relating to restrictions on disclosure and transfer of records, for provisions relating to scope, etc., of statistical report to Congress.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

§ 5732. Annual program priorities

(a) The Secretary shall develop for each fiscal year, and publish annually in the Federal Register for public comment a proposed plan specifying the subject priorities the Secretary will follow in making grants under this subchapter for such fiscal year.

(b) Taking into consideration comments received in the 45-day period beginning on the date the proposed plan is published, the Secretary shall develop and publish, before December 31 of such fiscal year, a final plan specifying the priorities referred to in subsection (a) of this section.

(Pub. L. 93-415, title III, § 384, formerly § 364, as added Pub. L. 100-690, title VII, § 7278, Nov. 18, 1988, 102 Stat. 4458; renumbered § 384, Pub. L. 102-586, § 3(g)(1)(A)(ii), Nov. 4, 1992, 106 Stat. 5022.)

PRIOR PROVISIONS

A prior section 5732, Pub. L. 93-415, title III, § 322, Sept. 7, 1974, 88 Stat. 1132, set forth restrictions on disclosure and transfer of records, prior to repeal by Pub. L. 95-115, § 7(b), Oct. 3, 1977, 91 Stat. 1058, eff. Oct. 1, 1977.

EFFECTIVE DATE

Section effective Oct. 1, 1988, but not applicable with respect to fiscal year 1989, see section 7296(a), (b)(2) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

§ 5733. Repealed. Pub. L. 102-586, § 3(g)(2)(E), Nov. 4, 1992, 106 Stat. 5025

Section, Pub. L. 93-415, title III, § 365, as added Pub. L. 100-690, title VII, § 7279, Nov. 18, 1988, 102 Stat. 4458, related to Secretary's obligation to coordinate activities of health agencies with activities of entities eligible to receive grants.

§ 5741. Repealed. Pub. L. 98-473, title II, § 656, Oct. 12, 1984, 98 Stat. 2124

Section, Pub. L. 93-415, title III, § 331, as added Pub. L. 95-115, § 7(c), Oct. 3, 1977, 91 Stat. 1059; amended Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695, authorized President to submit to Congress after April 30, 1978, a reorganization plan for establishment of an Office of Youth Assistance, subject to Congressional resolution of disapproval.

Prior to repeal by Pub. L. 98-473, section 5741 of this title comprised part C of this subchapter. Section 657(e) of Pub. L. 98-473 redesignated former part D, consisting of section 5751 of this title, as part C. Previously, part C was redesignated part D by Pub. L. 95-115, § 7(c), Oct. 3, 1977, 91 Stat. 1059.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

§ 5751. Authorization of appropriations

(a) Part A of this subchapter

(1) There are authorized to be appropriated to carry out this subchapter (other than part B and section 5714-24 of this title) \$75,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996.

(2) Not less than 90 percent of the funds appropriated under paragraph (1) for a fiscal year shall be available to carry out section 5711(a) of this title in such fiscal year.

(3) After making the allocation required by paragraph (2), the Secretary shall reserve for the purpose of carrying out section 5714-11 of this title—

(A) for fiscal year 1993 not less than \$912,500, of which \$125,000 shall be available for the acquisition of communications equipment;

(B) for fiscal year 1994 not less than \$826,900;

(C) for fiscal year 1995 not less than \$868,300; and

(D) for fiscal year 1996 not less than \$911,700.

(4) In the use of funds appropriated under paragraph (1) that are in excess of \$38,000,000 but less than \$42,600,000, priority may be given to awarding enhancement grants to programs (with priority to programs that receive grants of less than \$85,000), for the purpose of allowing such programs to achieve higher performance standards, including—

(A) increasing and retaining trained staff;

(B) strengthening family reunification efforts;

(C) improving aftercare services;

(D) fostering better coordination of services with public and private entities;

(E) providing comprehensive services, including health and mental health care, education, prevention and crisis intervention, and vocational services; and

(F) improving data collection efforts.

(5) In the use of funds appropriated under paragraph (1) that are in excess of \$42,599,999—

(A) 50 percent may be targeted at developing new programs in unserved or underserved communities; and

(B) 50 percent may be targeted at program enhancement activities described in paragraph (3).

(b) Part B of this subchapter

(1) Subject to paragraph (2), there are authorized to be appropriated to carry out (B)¹ \$25,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996.

(2) No funds may be appropriated to carry out part B of this subchapter for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out part A of this subchapter exceeds \$26,900,000.

¹So in original. Probably should be "part B of this subchapter".

(c) Temporary demonstration projects for youth in rural areas

There is authorized to be appropriated to carry out section 5714-24 of this title \$1,000,000 for each of fiscal years 1993, 1994, 1995, and 1996.

(d) Consultative and coordinating requirements

The Secretary (through the Office of Youth Development which shall administer this subchapter) shall consult with the Attorney General (through the Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this subchapter with those related programs and activities funded under subchapter II of this chapter and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended [42 U.S.C. 3701 et seq.].

(e) Conditions for use of funds

No funds appropriated to carry out the purposes of this subchapter—

(1) may be used for any program or activity which is not specifically authorized by this subchapter; or

(2) may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant or a single discretionary payment unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this subchapter.

(Pub. L. 93-415, title III, §385, formerly §331, Sept. 7, 1974, 88 Stat. 1132; Pub. L. 94-273, §32(c), Apr. 21, 1976, 90 Stat. 380; renumbered §341 and amended Pub. L. 95-115, §7(c), (d), Oct. 3, 1977, 91 Stat. 1059, 1060; Pub. L. 96-509, §2(b), Dec. 8, 1980, 94 Stat. 2750; renumbered §331 and amended Pub. L. 98-473, title II, §657(a)-(d), (f), Oct. 12, 1984, 98 Stat. 2124, 2125; renumbered §366 and amended Pub. L. 100-690, title VII, §§7273(d), (e)(2), 7280, Nov. 18, 1988, 102 Stat. 4455, 4459; Pub. L. 101-204, title X, §§1001(e)(2), 1003(3), Dec. 7, 1989, 103 Stat. 1827; renumbered §385 and amended Pub. L. 102-586, §3(g)(1)(A)(ii), (i), Nov. 4, 1992, 106 Stat. 5022, 5026.)

REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (d), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197, as amended, title I of which is classified principally to chapter 46 (§3701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Tables.

AMENDMENTS

1992—Pub. L. 102-586, §3(i), which directed the amendment of section “366 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5751)”, was executed to this section, which is section 385 of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93-415), to reflect the probable intent of Congress and the intervening renumbering of section 366 of Pub. L. 93-415 as section 385 by section 3(g)(1)(A)(ii) of Pub. L. 102-586. See notes below.

Subsec. (a)(1). Pub. L. 102-586, §3(i)(1)(A), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “To carry out the purposes of part A of this subchapter there are authorized to be appropriated such sums as may be necessary for fiscal years 1989, 1990, 1991, and 1992.”

Subsec. (a)(3) to (5). Pub. L. 102-586, §3(i)(1)(B), added pars. (3) to (5).

Subsec. (b)(1). Pub. L. 102-586, §3(i)(2), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “Subject to paragraph (2), to carry out the purposes of part B of this subchapter, there are authorized to be appropriated \$5,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.”

Subsecs. (c) to (e). Pub. L. 102-586, §3(i)(3), (4), added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

1989—Subsec. (a). Pub. L. 101-204, §1001(e)(2), amended directory language of Pub. L. 100-690, §7280(2), see 1988 Amendment note below.

Subsec. (a)(1). Pub. L. 101-204, §1003(3), substituted “are authorized” for “is authorized”.

1988—Subsec. (a). Pub. L. 100-690, §7280, as amended by Pub. L. 101-204, §1001(e)(2), designated existing provisions as par. (1), struck out “1985, 1986, 1987, and 1988” after “fiscal years”, inserted “1989, 1990, 1991, and 1992”, and added par. (2).

Subsecs. (b) to (d). Pub. L. 100-690, §7273(d), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1984—Pub. L. 98-473, §657(a), amended section catchline.

Subsec. (a). Pub. L. 98-473, §657(b), substituted “such sums as may be necessary for fiscal years 1985, 1986, 1987, and 1988” for “for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984 the sum of \$25,000,000”.

Subsec. (b). Pub. L. 98-473, §657(c), struck out “Associate” before “Administrator”.

Subsec. (c). Pub. L. 98-473, §657(d), added subsec. (c).

1980—Subsec. (a). Pub. L. 96-509 substituted provisions authorizing appropriations of \$25,000,000 for each of fiscal years ending Sept. 30, 1981, 1982, 1983, and 1984, for provisions that had authorized appropriations of \$10,000,000 for each of fiscal years ending Sept. 30, 1975, 1976, and 1977, and \$25,000,000 for each of fiscal years ending Sept. 30, 1978, 1979, and 1980.

1977—Subsec. (a). Pub. L. 95-115, §7(d)(1), inserted provisions authorizing appropriations for fiscal years ending Sept. 30, 1978, 1979, and 1980.

Subsec. (b). Pub. L. 95-115, §7(d)(2), substituted provisions relating to consultative and coordinating requirements for funded programs and activities, for provisions relating to authorization for funding surveys under part B of this subchapter.

1976—Pub. L. 94-273 substituted “June 30, 1975, and 1976, and September 30, 1977” for “June 30, 1975, 1976, and 1977”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, except that subsec. (c)(2), as enacted by section 657(d) of Pub. L. 98-473, not applicable with respect to any grant or payment made before Oct. 12, 1984, see section 670 of Pub. L. 98-473, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93-415, as added by Pub. L. 95-115, set out as a note under section 5601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5711, 5714-11, 5714-24 of this title.

SUBCHAPTER IV—MISSING CHILDREN

§ 5771. Findings

The Congress hereby finds that—

(1) each year thousands of children are abducted or removed from the control of a parent having legal custody without such parent's consent, under circumstances which immediately place them in grave danger;

(2) many of these children are never reunited with their families;

(3) often there are no clues to the whereabouts of these children;

(4) many missing children are at great risk of both physical harm and sexual exploitation;

(5) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

(6) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

(7) on frequent occasions, law enforcement authorities quickly exhaust all leads in missing children cases, and require assistance from distant communities where the child may be located; and

(8) Federal assistance is urgently needed to coordinate and assist in this interstate problem.

(Pub. L. 93-415, title IV, § 402, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2125.)

EFFECTIVE DATE

Subchapter effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

SHORT TITLE

For short title of title IV of Pub. L. 93-415, which enacted this subchapter, as the "Missing Children's Assistance Act", see section 401 of Pub. L. 93-415, as added by Pub. L. 98-473, set out as a note under section 5601 of this title.

§ 5772. "Missing child" and "Administrator" defined

For the purpose of this subchapter—

(1) the term "missing child" means any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian if—

(A) the circumstances surrounding such individual's disappearance indicate that such individual may possibly have been removed by another from the control of such individual's legal custodian without such custodian's consent; or

(B) the circumstances of the case strongly indicate that such individual is likely to be abused or sexually exploited; and

(2) the term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(Pub. L. 93-415, title IV, § 403, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2126.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5775 of this title; title 39 section 3201.

§ 5773. Duties and functions of the Administrator

(a) Description of activities

The Administrator shall—

(1) issue such rules as the Administrator considers necessary or appropriate to carry out this subchapter;

(2) make such arrangements as may be necessary and appropriate to facilitate effective coordination among all federally funded programs relating to missing children (including the preparation of an annual comprehensive plan for facilitating such coordination);

(3) provide for the furnishing of information derived from the national toll-free telephone line, established under subsection (b)(1) of this section, to appropriate entities;

(4) provide adequate staff and agency resources which are necessary to properly carry out the responsibilities pursuant to this subchapter; and

(5) not later than 180 days after the end of each fiscal year, submit a report to the President, Speaker of the House of Representatives, and the President pro tempore of the Senate—

(A) containing a comprehensive plan for facilitating cooperation and coordination in the succeeding fiscal year among all agencies and organizations with responsibilities related to missing children;

(B) identifying and summarizing effective models of Federal, State, and local coordination and cooperation in locating and recovering missing children;

(C) identifying and summarizing effective program models that provide treatment, counseling, or other aid to parents of missing children or to children who have been the victims of abduction;

(D) describing how the Administrator satisfied the requirements of paragraph (4) in the preceding fiscal year;

(E) describing in detail the number and types of telephone calls received in the preceding fiscal year over the national toll-free telephone line established under subsection (b)(1)(A) of this section and the number and types of communications referred to the national communications system established under section 5712a¹ of this title;

(F) describing in detail the activities in the preceding fiscal year of the national resource center and clearinghouse established under subsection (b)(2) of this section;

(G) describing all the programs for which assistance was provided under section 5775 of this title in the preceding fiscal year;

(H) summarizing the results of all research completed in the preceding year for which assistance was provided at any time under this subchapter; and

(I)(i) identifying each clearinghouse with respect to which assistance is provided under section 5775(a)(9) of this title in the preceding fiscal year;

(ii) describing the activities carried out by such clearinghouse in such fiscal year;

(iii) specifying the types and amounts of assistance (other than assistance under section 5775(a)(9) of this title) received by such clearinghouse in such fiscal year; and

(iv) specifying the number and types of missing children cases handled (and the

¹ See References in Text note below.

number of such cases resolved) by such clearinghouse in such fiscal year and summarizing the circumstances of each such cases.²

(b) Establishment of toll-free telephone line and national resource center and clearinghouse; national incidence studies; use of school records and birth certificates

The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

(1)(A) establish and operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

(B) coordinating³ the operation of such telephone line with the operation of the national communications system established under section 5712a¹ of this title;

(2) establish and operate a national resource center and clearinghouse designed—

(A) to provide to State and local governments, public and private nonprofit agencies, and individuals information regarding—

(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing children and their families; and

(ii) the existence and nature of programs being carried out by Federal agencies to assist missing children and their families;

(B) to coordinate public and private programs which locate, recover, or reunite missing children with their legal custodians;

(C) to disseminate nationally information about innovative and model missing childrens' programs, services, and legislation; and

(D) to provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of the missing and exploited child case and in locating and recovering missing children; and⁴

(3) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnappings, and the number of children who are recovered each year; and

(4) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.

(c) Independent status of other Federal agencies

Nothing contained in this subchapter shall be construed to grant to the Administrator any law enforcement responsibility or supervisory authority over any other Federal agency.

(Pub. L. 93-415, title IV, § 404, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2126; amended Pub. L. 100-690, title VII, § 7285, Nov. 18, 1988, 102 Stat. 4459; Pub. L. 101-204, title X, § 1004(2), Dec. 7, 1989, 103 Stat. 1828.)

REFERENCES IN TEXT

Section 5712a of this title, referred to in subsecs. (a)(5)(E) and (b)(1)(B), was repealed by Pub. L. 102-586, § 3(g)(2)(A), Nov. 4, 1992, 106 Stat. 5025. See section 5714-11 of this title.

AMENDMENTS

1989—Subsec. (a)(5)(C). Pub. L. 101-204, § 1004(2)(A), substituted semicolon for comma at end.

Subsec. (b)(2)(A). Pub. L. 101-204, § 1004(2)(B), inserted “to” before “provide to State”.

1988—Subsec. (a)(3). Pub. L. 100-690, § 7285(a)(1), struck out “law enforcement” before “entities”.

Subsec. (a)(4). Pub. L. 100-690, § 7285(a)(2), inserted “and” at end.

Subsec. (a)(5). Pub. L. 100-690, § 7285(a)(3), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “analyze, compile, publish, and disseminate an annual summary of recently completed research, research being conducted, and Federal, State, and local demonstration projects relating to missing children with particular emphasis on—

“(A) effective models of local, State, and Federal coordination and cooperation in locating missing children;

“(B) effective programs designed to promote community awareness of the problem of missing children;

“(C) effective programs to prevent the abduction and sexual exploitation of children (including parent, child, and community education); and

“(D) effective program models which provide treatment, counseling, or other aid to parents of missing children or to children who have been the victims of abduction or sexual exploitation; and”.

Subsec. (a)(6). Pub. L. 100-690, § 7285(a)(4), struck out par. (6), which read as follows: “prepare, in conjunction with and with the final approval of the Advisory Board on Missing Children, an annual comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities related to missing children.”

Subsec. (b)(1). Pub. L. 100-690, § 7285(b)(1), designated existing provisions as subpar. (A), inserted “24-hour” after “national” and “and” at end, and added subpar. (B).

Subsec. (b)(2)(A). Pub. L. 100-690, § 7285(b)(2)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “to provide technical assistance to local and State governments, public and private nonprofit agencies, and individuals in locating and recovering missing children;”.

Subsec. (b)(2)(D). Pub. L. 100-690, § 7285(b)(2)(B), inserted “and training” after “assistance” and “and in locating and recovering missing children” before semicolon.

Subsec. (b)(4). Pub. L. 100-690, § 7285(b)(3), (4), added par. (4).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, with the report required by subsec. (a)(5) of this section with respect to fiscal year 1988 to be submitted not later than Aug. 1, 1989, notwithstanding the 180-day period provided in subsec. (a)(5) of this section, see section 7296(a), (b)(3) of Pub. L. 100-690, as amended, set out as a note under section 5601 of this title.

² So in original. Probably should be “case.”

³ So in original. Probably should be “coordinate”.

⁴ So in original. The word “and” probably should not appear.

§ 5774. Repealed. Pub. L. 100-690, title VII, § 7286, Nov. 18, 1988, 102 Stat. 4460

Section, Pub. L. 93-415, title IV, § 405, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2127, provided for an Advisory Board on Missing Children.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

§ 5775. Grants

(a) Authority of Administrator; description of research, demonstration projects, and service programs

The Administrator is authorized to make grants to and enter into contracts with public agencies or nonprofit private organizations, or combinations thereof, for research, demonstration projects, or service programs designed—

(1) to educate parents, children, and community agencies and organizations in ways to prevent the abduction and sexual exploitation of children;

(2) to provide information to assist in the locating and return of missing children;

(3) to aid communities in the collection of materials which would be useful to parents in assisting others in the identification of missing children;

(4) to increase knowledge of and develop effective treatment pertaining to the psychological consequences, on both parents and children, of—

(A) the abduction of a child, both during the period of disappearance and after the child is recovered; and

(B) the sexual exploitation of a missing child;

(5) to collect detailed data from selected States or localities on the actual investigative practices utilized by law enforcement agencies in missing children's cases;

(6) to address the particular needs of missing children by minimizing the negative impact of judicial and law enforcement procedures on children who are victims of abuse or sexual exploitation and by promoting the active participation of children and their families in cases involving abuse or sexual exploitation of children;

(7) to address the needs of missing children (as defined in section 5772(1)(A) of this title) and their families following the recovery of such children;

(8) to reduce the likelihood that individuals under 18 years of age will be removed from the control of such individuals' legal custodians without such custodians' consent; and

(9) to establish or operate statewide clearinghouses to assist in locating and recovering missing children.

(b) Priorities of grant applicants

In considering grant applications under this subchapter, the Administrator shall give priority to applicants who—

(1) have demonstrated or demonstrate ability in—

(A) locating missing children or locating and reuniting missing children with their legal custodians;

(B) providing other services to missing children or their families; or

(C) conducting research relating to missing children; and

(2) with respect to subparagraphs (A) and (B) of paragraph (1), substantially utilize volunteer assistance.

The Administrator shall give first priority to applicants qualifying under subparagraphs (A) and (B) of paragraph (1).

(c) Non-Federal fund expenditures requisite for receipt of Federal assistance

In order to receive assistance under this subchapter for a fiscal year, applicants shall give assurance that they will expend, to the greatest extent practicable, for such fiscal year an amount of funds (without regard to any funds received under any Federal law) that is not less than the amount of funds they received in the preceding fiscal year from State, local, and private sources.

(Pub. L. 93-415, title IV, § 405, formerly § 406, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2128; renumbered § 405 and amended Pub. L. 100-690, title VII, §§ 7287, 7290(a), Nov. 18, 1988, 102 Stat. 4460, 4461; Pub. L. 101-204, title X, § 1004(3), Dec. 7, 1989, 103 Stat. 1828.)

PRIOR PROVISIONS

A prior section 405 of Pub. L. 93-415 was classified to section 5774 of this title prior to repeal by Pub. L. 100-690, title VII, § 7286, Nov. 18, 1988, 102 Stat. 4460.

AMENDMENTS

1989—Subsec. (a)(9). Pub. L. 101-204 substituted “clearinghouses” for “clearinghouse”.

1988—Subsec. (a)(7) to (9). Pub. L. 100-690, § 7287, added pars. (7) to (9).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5773, 5776 of this title.

§ 5776. Criteria for grants

(a) Establishment of priorities and criteria; publication in Federal Register

In carrying out the programs authorized by this subchapter, the Administrator shall establish—

(1) annual research, demonstration, and service program priorities for making grants and contracts pursuant to section 5775 of this title; and

(2) criteria based on merit for making such grants and contracts.

Not less than 60 days before establishing such priorities and criteria, the Administrator shall publish in the Federal Register for public comment a statement of such proposed priorities and criteria.

(b) Competitive selection process for grant or contract exceeding \$50,000

No grant or contract exceeding \$50,000 shall be made under this subchapter unless the grantee

or contractor has been selected by a competitive process which includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.

(c) Multiple grants or contracts to same grantee or contractor

Multiple grants or contracts to the same grantee or contractor within any 1 year to support activities having the same general purpose shall be deemed to be a single grant for the purpose of this subsection, but multiple grants or contracts to the same grantee or contractor to support clearly distinct activities shall be considered separate grants or contractors.¹

(Pub. L. 93-415, title IV, § 406, formerly § 407, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2129; renumbered § 406 and amended Pub. L. 100-690, title VII, §§ 7288, 7290, Nov. 18, 1988, 102 Stat. 4461.)

PRIOR PROVISIONS

A prior section 406 of Pub. L. 93-415 was renumbered section 405 and is classified to section 5775 of this title.

AMENDMENTS

1988—Pub. L. 100-690, § 7290(b), which purported to make technical amendment to reference to section 5775 of this title to reflect renumbering of corresponding section of original act, could not be executed to text because of general amendment of section by Pub. L. 100-690, § 7288, see below.

Pub. L. 100-690, § 7288, amended section generally. Prior to amendment, section read as follows: “The Administrator, in consultation with the Advisory Board, shall establish annual research, demonstration, and service program priorities for making grants and contracts pursuant to section 5775 of this title and, not less than 60 days before establishing such priorities, shall publish in the Federal Register for public comment a statement of such proposed priorities.”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

§ 5776a. Repealed. Pub. L. 105-314, title VII, § 703(g), Oct. 30, 1998, 112 Stat. 2989

Section, Pub. L. 93-415, title IV, § 407, as added Pub. L. 103-322, title XVII, § 170303(2), Sept. 13, 1994, 108 Stat. 2043, related to establishment of a Missing and Exploited Children’s Task Force. Pub. L. 105-314, title VII, § 703(g), Oct. 30, 1998, 112 Stat. 2989, repealed subtitle C (§§ 170301-170303) of title XVII of Pub. L. 103-322 which enacted this section and this section is shown as repealed to reflect the probable intent of Congress.

PURPOSE

Section 170302 of title XVII of Pub. L. 103-322 provided that the purpose of subtitle C (§§ 170301-170303) of title XVII of Pub. L. 103-322, which enacted this section, amended sections 5777 and 5778 of this title, and enacted provisions set out as a note under section 5601 of this title, was to establish a task force comprised of law enforcement officers from pertinent Federal agencies to work with the National Center for Missing and Exploited Children and coordinate the provision of Federal law enforcement resources to assist State and local authorities in investigating the most difficult cases of missing and exploited children, prior to repeal

by Pub. L. 105-314, title VII, § 703(g), Oct. 30, 1998, 112 Stat. 2989.

§ 5777. Authorization of appropriations

(a) In general

To carry out the provisions of this subchapter, there are authorized to be appropriated such sums as may be necessary for fiscal years 1997 through 2001.

(b) Evaluation

The Administrator may use not more than 5 percent of the amount appropriated for a fiscal year under subsection (a) of this section to conduct an evaluation of the effectiveness of the programs and activities established and operated under this subchapter.

(Pub. L. 93-415, title IV, § 407, formerly § 408, as added Pub. L. 98-473, title II, § 660, Oct. 12, 1984, 98 Stat. 2129; renumbered § 407 and amended Pub. L. 100-690, title VII, §§ 7289, 7290(a), Nov. 18, 1988, 102 Stat. 4461; Pub. L. 101-204, title X, § 1001(e)(3), Dec. 7, 1989, 103 Stat. 1827; Pub. L. 102-586, § 4, Nov. 4, 1992, 106 Stat. 5027; renumbered § 408, Pub. L. 103-322, title XVII, § 170303(1), Sept. 13, 1994, 108 Stat. 2043; Pub. L. 104-235, title II, § 231(a), Oct. 3, 1996, 110 Stat. 3092; renumbered § 407, Pub. L. 105-314, title VII, § 703(g), Oct. 30, 1998, 112 Stat. 2989.)

CODIFICATION

Section 703(g) of Pub. L. 105-314 repealed subtitle C (§§ 170301-170303) of title XVII of Pub. L. 103-322 which renumbered this section as section 408 of Pub. L. 93-415. This repeal was executed by renumbering this section as section 407 of Pub. L. 93-415 to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 407 of Pub. L. 93-415 was classified to section 5776a of this title prior to repeal by Pub. L. 105-314, § 703(g).

Another prior section 407 of Pub. L. 93-415 was renumbered section 406 of Pub. L. 93-415 and is classified to section 5776 of this title.

AMENDMENTS

1996—Pub. L. 104-235 designated existing provisions as subsec. (a), inserted heading, substituted “1997 through 2001” for “1993, 1994, 1995, and 1996”, and added subsec. (b).

1992—Pub. L. 102-586 substituted “fiscal years 1993, 1994, 1995, and 1996” for “fiscal years 1989, 1990, 1991, and 1992”.

1989—Pub. L. 101-204 amended directory language of Pub. L. 100-690, § 7289(3), see 1988 Amendment note below.

1988—Pub. L. 100-690, § 7289, as amended by Pub. L. 101-204, struck out “\$10,000,000 for fiscal year 1985, and” after “appropriated” and “1986, 1987, and 1988” after “fiscal years” and inserted “1989, 1990, 1991, and 1992”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as a note under section 5601 of this title.

§ 5778. Repealed. Pub. L. 104-235, title II, § 231(b), Oct. 3, 1996, 110 Stat. 3092

Section, Pub. L. 93-415, title IV, § 409, formerly § 408, as added Pub. L. 100-690, title VII, § 7291, Nov. 18, 1988, 102 Stat. 4461; renumbered § 409, Pub. L. 103-322, title XVII, § 170303(1), Sept. 13, 1994, 108 Stat. 2043, related to special study and report to determine obstacles that

¹ So in original. Probably should be “contracts.”

prevent or impede individuals who have legal custody of children from recovering children from parents who have removed children from such individuals in violation of law.

§ 5779. Reporting requirement

(a) In general

Each Federal, State, and local law enforcement agency shall report each case of a missing child under the age of 18 reported to such agency to the National Crime Information Center of the Department of Justice.

(b) Guidelines

The Attorney General may establish guidelines for the collection of such reports including procedures for carrying out the purposes of this section and section 5780 of this title.¹

(c) Annual summary

The Attorney General shall publish an annual statistical summary of the reports received under this section and section 5780 of this title.

(Pub. L. 101-647, title XXXVII, §3701, Nov. 29, 1990, 104 Stat. 4966.)

REFERENCES IN TEXT

This section and section 5780 of this title, referred to in subsec. (b), was in the original “this Act”, and was translated as reading “this title”, meaning title XXXVII of Pub. L. 101-647, which enacted this section and section 5780 of this title, to reflect the probable intent of Congress.

CODIFICATION

Section was enacted as part of the Crime Control Act of 1990, and not as part of the Missing Children’s Assistance Act which comprises this subchapter, nor as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5780 of this title.

§ 5780. State requirements

Each State reporting under the provisions of this section and section 5779 of this title shall—

(1) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the observance of any waiting period before accepting a missing child or unidentified person report;

(2) provide that each such report and all necessary and available information, which, with respect to each missing child report, shall include—

(A) the name, date of birth, sex, race, height, weight, and eye and hair color of the child;

(B) the date and location of the last known contact with the child; and

(C) the category under which the child is reported missing;

is entered immediately into the State law enforcement system and the National Crime Information Center computer networks and made available to the Missing Children Information Clearinghouse within the State or other agency designated within the State to receive such reports; and

(3) provide that after receiving reports as provided in paragraph (2), the law enforcement agency that entered the report into the National Crime Information Center shall—

(A) no later than 60 days after the original entry of the record into the State law enforcement system and National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records;

(B) institute or assist with appropriate search and investigative procedures; and

(C) maintain close liaison with the National Center for Missing and Exploited Children for the exchange of information and technical assistance in the missing children cases.

(Pub. L. 101-647, title XXXVII, §3702, Nov. 29, 1990, 104 Stat. 4967.)

CODIFICATION

Section was enacted as part of the Crime Control Act of 1990, and not as part of the Missing Children’s Assistance Act which comprises this subchapter, nor as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5779 of this title.

SUBCHAPTER V—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5671 of this title.

§ 5781. Findings

The Congress finds that—

(1) approximately 700,000 youth enter the juvenile justice system every year;

(2) Federal, State, and local governments spend close to \$2,000,000,000 a year confining many of those youth;

(3) it is more effective in both human and fiscal terms to prevent delinquency than to attempt to control or change it after the fact;

(4) half or more of all States are unable to spend any juvenile justice formula grant funds on delinquency prevention because of other priorities;

(5) few Federal resources are dedicated to delinquency prevention; and

(6) Federal incentives are needed to assist States and local communities in mobilizing delinquency prevention policies and programs.

(Pub. L. 93-415, title V, §502, as added Pub. L. 102-586, §5(a), Nov. 4, 1992, 106 Stat. 5027.)

SHORT TITLE

For short title of title V of Pub. L. 93-415, which enacted this subchapter, as the “Incentive Grants for Local Delinquency Prevention Programs Act”, see section 501 of Pub. L. 93-415, as added by Pub. L. 102-586, set out as a note under section 5601 of this title.

GAO STUDIES AND REPORTS

Section 5(b) of Pub. L. 102-586, as amended by Pub. L. 104-316, title I, §122(n), Oct. 19, 1996, 110 Stat. 3838, provided that: “Under such conditions as the Comptroller

¹ See References in Text note below.

General of the United States determines appropriate, the General Accounting Office may conduct studies and report to Congress on the effects of the program established by subsection (a) [enacting this subchapter] in encouraging States and units of general local government to comply with the requirements of part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631-5633)."

§ 5782. "State advisory group" defined

In this subchapter, the term "State advisory group" means the advisory group appointed by the chief executive officer of a State under a plan described in section 5633(a) of this title.

(Pub. L. 93-415, title V, § 503, as added Pub. L. 102-586, § 5(a), Nov. 4, 1992, 106 Stat. 5027.)

§ 5783. Duties and functions of Administrator

The Administrator shall—

(1) issue such rules as are necessary or appropriate to carry out this subchapter;

(2) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);

(3) provide adequate staff and resources necessary to properly carry out this subchapter; and

(4) not later than 180 days after the end of each fiscal year, submit a report to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate—

(A) describing activities and accomplishments of grant activities funded under this subchapter;

(B) describing procedures followed to disseminate grant activity products and research findings;

(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

(D) identifying successful approaches and making recommendations for future activities to be conducted under this subchapter.

(Pub. L. 93-415, title V, § 504, as added Pub. L. 102-586, § 5(a), Nov. 4, 1992, 106 Stat. 5027.)

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

§ 5784. Grants for prevention programs

(a) Purposes

The Administrator may make grants to a State, to be transmitted through the State advisory group to units of local government that

meet the requirements of subsection (b) of this section, for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

(1) recreation services;

(2) tutoring and remedial education;

(3) assistance in the development of work awareness skills;

(4) child and adolescent health and mental health services;

(5) alcohol and substance abuse prevention services;

(6) leadership development activities; and

(7) the teaching that people are and should be held accountable for their actions.

(b) Eligibility

The requirements of this subsection are met with respect to a unit of general local government¹ if—

(1) the unit is in compliance with the requirements of part B of subchapter II of this chapter;

(2) the unit has submitted to the State advisory group a 3-year plan outlining the unit's local front end plans for investment for delinquency prevention and early intervention activities;

(3) the unit has included in its application to the Administrator for formula grant funds a summary of the 3-year plan described in paragraph (2);

(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and private, nonprofit organizations serving children, youth, and families and business and industry;

(5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk youth and their families, including such programs as nutrition, energy assistance, and housing;

(6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this subchapter; and

(7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

(c) Priority

In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in—

(1) plans for service and agency coordination and collaboration including the colocation of services;

(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; and

(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.

¹So in original. Probably should be "unit of local government".

(Pub. L. 93-415, title V, § 505, as added Pub. L. 102-586, § 5(a), Nov. 4, 1992, 106 Stat. 5028; amended Pub. L. 105-277, div. A, § 101(b) [title I, § 129(a)(2)(F)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-76.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277 substituted “units of local government” for “units of general local government” in introductory provisions.

§ 5785. Authorization of appropriations

To carry out this subchapter, there are authorized to be appropriated \$30,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.

(Pub. L. 93-415, title V, § 506, as added Pub. L. 102-586, § 5(a), Nov. 4, 1992, 106 Stat. 5029.)

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